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REPORT TOGETHER WITH PROPOSED RESOLUTIONS

TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM

UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

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TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM

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COMMITTEE ACTION

The Temporary Select Committee to Study the Senate Committee System, established by S. Res. 127, met on November 29, 1984, and adopted this *Report Together with Proposed Resolutions* by roll call vote of 12 yea and 0 nay as follows:

Senator Quayle—yea.
Senator Mathias—yea.
Senator Garn—yea.
Senator Wallop—yea.
Senator Kasten—yea (by proxy).
Senator Rudman—yea.
Senator Ford—yea.
Senator Long—yea (by proxy).
Senator Melcher—yea.
Senator Johnston—yea (by proxy).
Senator Matsunaga—yea.
Senator Dixon—yea.

The Committee also went on record that this Report is a consensus document and not every Senator necessarily agrees with every proposal.

I. SUMMARY

The Temporary Select Committee to Study the Senate Committee System finds indications of substantial problems with the operation of the committee system and with the operation of the Senate as a whole.

To improve the operation of the committee system the Select Committee makes the following recommendations:

1. Limit senators' committee assignments to 2 "A" committees and 1 "B" committee, without exceptions.
2. Reduce total slots on "A" committees to 200 and total slots on "B" committees to approximately 100.
3. Limit the number of subcommittees a committee may establish to 5 (except Appropriations).
4. Limit senators to 2 "A" and "B" committee and subcommittee chairmanships.
5. Limit senators to membership on 2 subcommittees of each committee on which they serve (except Appropriations).
6. Limit senators to a total of 9 "A" and "B" committees and subcommittees except for members of the Appropriations Committee who are limited to 11.
7. Require that the majority and minority leaders not be counted for the purpose of determining the size of a quorum on the committees on which they serve.
8. Provide for sequential referral of reported bills to committees with a jurisdictional interest.

9. Provide for referral of legislative provisions of reported appropriations bills to authorizing committees.

10. Encourage the utilization of the existing computerized scheduling system by requiring committee chairmen to announce a list of committee members with meeting conflicts.

11. Establish a joint House-Senate committee on intelligence.

12. Establish a temporary committee to study the 2-year budget process and propose revisions in the budget procedure.

In regard to the operation of the Senate the Committee makes the following recommendations:

1. Discourage the proliferation of non-germane amendments by providing for a "germaneness motion" requiring a super majority under which non-germane amendments are prohibited, making non-debatable rulings of the chair that an amendment is non-germane and requiring a super majority to overrule the chair after the germaneness motion has been adopted.

2. Provide for a two-hour time limit on the motion to proceed.

3. Establish a more meaningful cloture procedure.

II. INTRODUCTION

S. Res. 127, passed June 6, 1984, established the Temporary Select Committee to Study the Senate Committee System and instructed the Select Committee to "* * * conduct a thorough study of the Senate committee system, * * * and to make recommendations which promote the optimum utilization of Senators' time, (and) optimum effectiveness of committees * * *"

The Committee's hearings on the problems of the Senate committee system produced a number of witnesses who saw major impediments to the effective operation of committees and who believed that these impediments hinder the operation of the Senate as a whole and adversely affect the optimum utilization of senators' time.

The Federalist papers provide a historical perspective on what the Senate was intended to be and how it was intended to operate. Alexander Hamilton described the need for a body with stability and continuity that will not be constantly swept by the whims of change, a body that can dispassionately review the actions of the more numerous branch. The Senate was designed to protect us, in his words, against the "effects of a mutable policy." Such a policy, he said, "* * * poisons the blessings of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man who knows what the law is today can guess what it will be tomorrow."

The tradition is clear—the Senate is not to be judged by how much it does, but rather by how well it does it. The early Senate fulfilled those expectations. Lord Bryce, the learned author of the *American Commonwealth,* writing at the beginning of this century, noted that "the Senate has expressed more adequately the judg-

ment, as contrasted with the emotion, of the nation." He went on to say that "* * * the Senate has succeeded in making itself eminent and respected * * * and has furnished a vantage ground from which men of ability may speak with authority to their fellow citizens."

Based on the record of the hearings that the Committee held July 31 and August 2, 1984, the Senate may not be fulfilling its role adequately today. Fourteen Senators testified before the Committee and detailed their views on the modern Senate's trivialization and proliferation of processes and issues. Senator Howard Baker, the distinguished majority leader, put the problems and their causes this way: "Two factors interrelate—the loss of the status of a public forum in the Senate and the proliferation of bills and amendments and issues in the committee system. We focus too much on detail and too little on the broad general principles."

Senator Sam Nunn expressed a very similar point when he said: "Without some prudent, thoughtful changes in how the Senate and its committees conduct their business, we run the risk of becoming increasingly mired in duplication and details while we accomplish less and less. In essence, the Senate and the Congress as a whole is choking on its own processes."

Senator Ted Stevens underscored all of these points: "I think it is the redundancy of the process that has destroyed the confidence that the public used to have in the Senate because we never finish anything. (We) (n)ever make a decision. It is always a preliminary decision which may be addressed later at the whim of anybody."

If the evidence in the record of the Committee hearings is not sufficiently persuasive to support the charge that the Senate is not fulfilling its historic mission and that both the committee system and the Senate as a whole trivialize and proliferate issues and processes, the Committee suggests senators review the *Congressional Record* for the last few weeks of the 98th Congress, when criticism of the way in which the Senate conducts business reached a crescendo.

Senator Lloyd Bentsen said: "That's one of the deteriorations of this institution. You've got to have unanimous consent to get things done and I'm tired of it."

Senator Mark Hatfield said: "If the Senate cannot under its normal procedures finish the legislative calendar, then loading up appropriations bills is a poor excuse. We may enjoy certain political therapy by going through the motions and getting our little publicity out of the hometown newspapers, but this does violence to the institution. This does violence to the appropriations process, and to the Senate."

Senator Bob Packwood said: "We have managed from roughly 1970 or 1971 onward to so pervert and torture the processes of this body that we are approaching being inert."

From the most senior to the most junior, senators expressed similar concerns about the welfare of the Senate as an institution.

Senator John Stennis, number one on the seniority list, pointed out that "* * * the Senate has lost much in the way of ability to debate and be heard, transmit ideas to other leaders and thereby produce conclusions." We must find, he said, "* * * a way that will give us a chance to have real debate, real exposure of the facts,

opinions, conclusions, judgments and recommendations, molded into law the best we can, for the general welfare of the people."

Senator Daniel Evans, number 100 on the seniority list, voiced his concerns during the last weeks of the 98th Congress: "I have watched with increasing dismay our performance as a Senate during the past week * * * (T)he experience of the last week has been dismal * * * represent(ing) a failure on the floor of the Senate."

The issue that faces us today—and more importantly, that will face the 99th Congress when it convenes—is not whether the need for some changes has been adequately demonstrated, but whether the Senate will demonstrate the wisdom and courage to adopt the proper remedies for these problems. Change or reform of any kind, because it alters the known to achieve the unknown, is difficult both to forge and to achieve. But useful and necessary change can be accomplished as long as we keep two principles in mind.

First, we must consider the welfare of the Senate as an institution as our first priority, rather than our parochial interests as individual senators.

Second, we must recognize that formal rules changes are only an indication of what we want to achieve. True changes will come only when all senators exercise collective self-restraint in the context of the committee system and within the greater context of the Senate.

S. Res. 127 does not direct the Select Committee to investigate or solve all of the problems of the Senate. The Resolution instructs the Committee to focus its attention on the committee system and the Committee has done so in the Resolutions it has reported.

The Committee believes that the Senate committee system should serve as a legislative filter and refiner. Bills should be referred to the committee of appropriate jurisdiction so that the committee members, a group of experts in their area, may carefully analyze, critique and alter proposed legislation, then report it to their colleagues on the Senate floor after thorough consideration or not report at all, as they deem best. In this way not only would poorly-crafted or ill-considered legislation be filtered out and kept off the Senate Calendar, but a bill emerging from committee would be a refined product, technically sound, thoroughly understood by committee members and ready for consideration by the Senate. The committee report and minority and additional views would further crystallize the issues for floor consideration.

Clearly, this is an idealized picture of the committee system, but it is a useful yardstick against which to measure the current system. In order to illustrate the failure of the committee system to operate as intended in the last session, the Committee suggests senators reflect on the Senate's handling of two important issues: the Civil Rights Act of 1984 and the Foreign Aid authorization and appropriations.

The Civil Rights Act of 1984 was offered as an amendment to the Continuing Resolution. It was a highly technical bill; yet it was never marked up in committee. The result of this failure of the committee system was the consideration of an extremely complex bill on the floor without the benefit of a committee report. In addition, offering this bill as an amendment to the Continuing Resolu-

tion tied the Senate into such a tangle of precedural knots that the Senate failed to consider other needed legislation in a timely manner.

The Foreign Aid appropriations bill was also considered as part of the Continuing Resolution and was enacted without Senate debate or passage of a foreign aid authorization bill. The Continuing Resolution thus served as both the authorizing and appropriations bill. In theory, the authorization and appropriations processes are complementary; in considering authorization and appropriations bills, the Senate benefits from the expertise of both the authorizing committee and the Appropriations Committee. As in the case of the Civil Rights Act of 1984, not only was the authorizing committee unable to perform its proper function, but the Senate failed to benefit from the expertise of the committee it has established to enable it to fulfill its constitutional role in the development of foreign policy.

These examples show that the committee system is not acting as a legislative filter and refiner. It is not the intent of the Select Committee to criticize committee members or committee chairmen by noting these examples. The Committee only wishes to make clear that the problems of the committee system are serious enough to require corrective action. On the final Senate Calendar for the 98th Congress there remained more than four times the number of Senate bills than the Calendar for the 89th Congress (20 years ago). Essential authorization bills die together with matters of lesser importance because the committee system is not assisting the Senate in establishing essential priorities.

In the second session of the 98th Congress, of the thirteen regular Appropriations bills, only four had been enacted by the deadline mandated by the Budget Act (seven days after Labor Day). The Committee is fully aware that the failure of the Senate to consider appropriations bills on the floor is not due to the negligence of the Appropriations Committee, but rather to many causes, including the confusion, duplication and deadline problems generated by the annual budget process. The annual budget process has become an ongoing project, making it impossible to enact both authorizations and appropriations on time.

It is the belief of the Committee that if Senators will agree to reduce their committee assignments, our committees will be better able to perform their duties and the Senate as a whole will be taken more seriously as a reliable and informed national policymaker.

While the Select Committee's jurisdiction and the resolutions that we report are limited to the committee system, it is clear that the committee system operates in the context of the Senate and that neither the problems of the committee system nor the problems of the Senate can be adequately addressed unless the entire institution is examined. Every senator who testified before the Committee addressed problems beyond those of the committee system, and the Committee would be derelict in its duty if it did not address these broader issues and call the attention of the Senate to the fact that committee reform, while necessary, is only one of the steps that must be taken to restore the Senate to its historic role. Many senators suggested changes in the Senate's proce-

dure on matters like cloture, germaneness, the motion to proceed, and others. Therefore, the Committee's report discusses not only committee system reform, but also proposes steps the committee believes essential to the improvement of the environment in which the committee system operates. These additional matters are discussed in Part IV, "Other Recommendations."

III. RECOMMENDATIONS RELATING TO THE COMMITTEE SYSTEM

Committee Assignment Limitations

Current Rules

Rule XXV of the current *Standing Rules of the Senate* limits senators to service on no more than two "A" committees and no more than one "B" committee.

The "A" Committees are Agriculture, Appropriations, Armed Services, Banking, Commerce, Energy, Environment, Finance, Foreign Relations, Governmental Affairs, Judiciary and Labor.

The "B" Committees are Budget, Rules, Small Business, Veterans' Affairs, Joint Economic, Aging and Intelligence.

Rule XXV also provides 55 exceptions to these assignment limitations covering additional committee assignments for 50 senators during the 98th Congress.

In addition, Rule XXV contains a provision allowing the Majority and Minority Leaders to increase the size of committees by up to 2 members in order to accord to the majority party a majority of seats on all standing committees. This provision also permits a senator to have an extra "A" or "B" committee assignment in order to fill the additional slots.

Committee Recommendation

The Select Committee recommends the elimination of all 55 exceptions to the 2 "A", 1 "B" assignment limitations and across-the-board enforcement of those limitations.

The Committee recommends the retention of the provision allowing the leadership to adjust the size of committees and authorize additional memberships when needed for party majority reasons.

In addition, in recognition of the fact that the Indian Affairs Committee has been made a permanent legislative committee, the Select Committee recommends that the Indian Affairs Committee be established as a "B" committee.

Background

A recurring theme in the Select Committee hearings was the proliferation of committees, subcommittees and assignments and the resulting conflicting demands on senators' time and attention. Before the reform efforts of the Stevenson-Brock Committee (1976-77), there were 240 slots on standing committees. For the 98th Congress there are 292 slots on standing committees, largely due to the numerous exceptions written into the *Rules*. In addition, when a senator acquires an extra committee, that senator also acquires additional subcommittees, further increasing the size and number of subcommittees.

When senators acquire additional committee and subcommittee commitments, it becomes increasingly difficult for them to attend all of the meetings scheduled for each of their panels. This situation frustrates not only each individual senator, but the chairmen of committees when they try to muster a quorum to conduct business.

In the opinion of the Select Committee, it is not practical or equitable to eliminate only some exceptions to the assignment limitations. Therefore the Committee recommends the repeal of all the exceptions.

The Committee sent out a letter to the 50 senators with exceptions and suggested this course of action as the most reasonable. Of the senators who responded to the Committee letter, over half expressed their willingness to give up their extra committees and abide by the assignment limitations as long as those limitations are applied to the entire Senate.

Committee Membership Levels

Current Rules

Committee membership levels are set in the *Rules*. For the 98th Congress there are 231 "A" committee slots and 109 "B" committee slots.

Committee Recommendation

The Select Committee recommends that the "A" slots be reduced to 200 and the "B" slots be reduced to 97. The chart below shows recommended committee membership levels.

COMMITTEE MEMBERSHIP LEVELS

	Present	Recommended
"A" committees:		
Agriculture	18	15
Appropriations	29	27
Armed Services	18	15
Banking	18	15
Commerce	17	17
Energy	21	17
Environment	18	15
Finance	20	19
Foreign Relations	18	15
Governmental Affairs	18	13
Judiciary	18	17
Labor	18	15
Total	231	200
"B" committees:		
Budget	22	21
Rules	12	11
Small Business	19	13
Veterans' Affairs	12	11
Intelligence	15	11
Aging	19	13
Joint Economic	10	10
Indian Affairs [1]	7	7
Total	109	97

[1] Not currently counted as a "B" committee

Background

These reductions in committee membership levels are necessary with the enforcement of the 2 "A", 1 "B" assignment limitations. These levels would provide 2 "A" slots for each senator, in accordance with the rule allowing senators to serve on no more than 2 "A" committees, and approximately 1 "B" slot for each senator, in accordance with the rule allowing senators to serve on no more than 1 "B" committee.

The number of "B" slots in the above chart is 97 instead of 100 because of the current 53-47 party composition of the Senate. A six-member majority is not sufficient for the majority party to maintain a majority on all 8 "B" committees, especially since the Joint Economic Committee requires, by statute, a 2-member majority. The proposed "B" committee levels do not provide "B" committee slots for 3 senators, which is consistent with current practice because every senator does not serve on a "B" committee.

If all senators want "B" committee assignments, the total of "B" committee slots must be increased by 6. This increase can be accomplished by the leadership under Rule XXV, paragraph 4(c) and waivers provided for the 3 members who would be assigned to an additional "B" committee.

The levels shown in the above chart are recommended levels, but any alterations in those levels must be mathematically consistent, keeping the overall total of "A" slots at 200 and the overall total of "B" slots at 97 or a level which enables the majority party to maintain a majority on all "B" committees (up to 103).

The Committee notes that, in general, committee membership levels have tended to creep upwards over time. The chart below illustrates this tendency.

CHANGES IN COMMITTEE MEMBERSHIP LEVELS

	1973-74 93d Congress	1983-84 98th Congress	Change
"A" Committees:			
Agriculture	13	18	+5
Appropriations	26	29	+3
Armed Services	15	18	+3
Banking	15	18	+3
Commerce	18	17	−1
Energy	15	21	+6
Environment	14	16	+2
Finance	17	20	+3
Foreign Relations	17	17	
Governmental Affairs	15	18	+3
Judiciary	16	18	+2
Labor	16	18	+2
"B" Committees:			
Budget	15	22	+7
Rules	9	12	+3
Small Business	17	19	+2
Veterans' Affairs	9	12	+3
Intelligence		15	
Aging	22	19	−3
Joint Economic	20	20	

Subcommittee Limitations

Current Rules

There are currently no limitations on the number of subcommittees a committee may establish.

A senator may serve on a maximum of 3 subcommittees on each of his "A" committees (except for Appropriations, whose members may serve on any number of subcommittees), and a maximum of 2 subcommittees on each of his "B" committees.

Committee Recommendation

The Committee recommends that committees be limited to establishing a maximum of 5 subcommittees, except for the Appropriations Committee, which may retain 13 subcommittees, and that a corresponding budget reduction for affected committees be ensured.

In addition, the Committee recommends that senators be limited to serving on 2 subcommittees on each of their "A" and "B" committees.

Background

In the opinion of the Committee, limiting committees to a maximum of 5 subcommittees will help to control the tendency of subcommittees to proliferate. The chart below shows the effect of the proposed limitation on the current number of subcommittees.

IMPACT ON SUBCOMMITTEES

	"A"		"B"		Total	
	Committee	Subcommittee	Committee	Subcommittee	Committee	Subcommittee
Now	12	94	7	17	19	110
5 subcommittees [1] per committee	12	68	7	12	19	80

[1] Except Appropriations.

The Committee feels that senators should be limited to service on 2 subcommittees per committee in order to reduce the size of subcommittees as well as the number of panels to which senators are assigned. In addition, this measure will ensure, if committees are limited to 5 subcommittees, that senators are covering a reasonable share (two subcommittees out of five) of the committee's jurisdiction.

The elimination of 30 subcommittees would, in the opinion of the Congressional Budget Office, save an estimated $6.5 million on an annual basis.

Committee and Subcommittee Chairmanships

Current Rules

Current rules allow a senator to chair one "A" or "B" committee.

A chairman of an "A" committee may chair only one subcommittee of all of the "A" committees on which he serves.

A chairman of a "B" committee may not chair any subcommittee of that committee.

Committee Recommendation

The Committee recommends that senators who chair an "A" or "B" committee be limited to chairing one subcommittee of all such committees and that no senator be permitted to chair more than 2 subcommittees of all "A" and "B" committees of which he is a member.

Background

This limitation is necessary to reflect the lower number of chairmanships available for majority senators when committees are limited to establishing a maximum of 5 subcommittees. The number of committees and the reduction in subcommittees shown in the chart above also equal the reduction in the number of available chairmanships. In other words, total "A" and "B" committee and subcommittee chairmanships will be reduced from the current 110 to 80.

Nine Unit Rule

Current Rules

There is currently no limit on the total number of "A" and "B" committees and subcommittees (units) a senator may serve on.

Committee Recommendation

Limit the total number of "A" and "B" committees and subcommittees (units) on which a senator may serve to 9 except for members of the Appropriations Committee who are limited to 11.

Background

The 9 "units" rule would, in general, reflect service on 2 "A" committees, 4 "A" subcommittees, 1 "B" committee and 2 "B" subcommittees. However, it has an additional purpose.

Since the Committee recognizes that from time to time senators may acquire exemptions to the assignment limitations, the 9-unit and 11-unit limits would act as a ceiling on senators who do acquire waivers. Senators who acquire waivers for additional committee assignments would have to adjust their membership accordingly on other "A" and "B" units to remain under the unit ceilings.

Majority and Minority Leaders' Committee Assignments

Current Rules

Rule XXVI requires that a committee may not report unless a majority of the committee is physically present. There is no special provision for committees on which the majority or minority leaders serve.

Committee Recommendation

The Committee recommends that, when the majority or minority leaders are members of a committee, the requirement for a majority of members be applied as though the total committee membership consisted of the number of committee members exclusive of the leader or leaders on the committee.

Background

It is the opinion of the Committee that the administrative duties of the majority and the minority leaders are so important and time-consuming that it is reasonable for chairmen of the committees on which they serve to be allowed to determine a majority of the membership, without counting the majority and/or minority leaders as members of the committee.

For example, if the majority and minority leaders were both members of a 15-member committee, the committee's quorum requirement would drop from 8 members (necessary for a 15-member committee) to 7 members (necessary for a 13-member committee).

This provision would apply only to the determination of a majority for quorum purposes. The majority and minority leaders would continue to vote and participate in committee business like other members.

Bill Referrals

Current Rules

Rule XVII currently provides that bills shall be referred to the committee with jurisdiction over the subject matter which predominates in the bill. The rule also provides for a joint, or a sequential, referral of bills upon joint motion of the majority and minority leaders. Sequential referrals are also regularly accomplished by unanimous consent.

Committee Recommendation

The Committee recommends adoption of a new rule that, if a committee reports a bill which contains matter in the jurisdiction of another committee, that bill shall, at the request of the chairman or ranking minority member, be referred to the other committee for a period not to exceed 30 calendar days (excluding days when the Senate is not in session) for consideration of those matters within the other committee's jurisdiction. The time period may be altered by the Senate.

Background

The Select Committee does not believe that it is possible to draw such neat jurisdictional lines that all matters within a bill will always fall within the jurisdiction of a single committee. Subject areas inevitably overlap, and the tendency for bills to become longer and more complex increases the difficulty of vesting complete jurisdiction in one committee. Sequential referral seems to be the appropriate procedure for dealing with these jurisdictional overlaps. The proposed rule is based on a procedure already applicable to small business matters and the Small Business Committee, and is consistent with the current practice under unanimous consent agreements. The problem with sequential referral is, of course, the possibility of delay, but the Select Committee believes that time problems can be worked out.

Bill Referral—Appropriation Bills

Current Rule

Rule XVI authorizes the Appropriations Committee to report amendments which provide appropriations for purposes which are not authorized by existing law and that have not been previously authorized by the Senate. That rule also, in effect, authorizes the Appropriations Committee to report general legislation if it is germane to subject matter contained in the House-passed bill.

Committee Recommendation

The Select Committee recommends that a similar system of sequential referral apply to bills reported from the Appropriations Committee as recommended for those reported from other committees. In other words, legislative provisions in Appropriations bills within the jurisdiction of an authorizing committee would be referred to that committee for a limited time period of five calendar days or a shorter period if agreed to by the majority and minority leaders.

In order to clarify the Committee's intent, the phrase "legislative provision" is intended to include any change in substantive law, but does not include an appropriation for a program whose authorization has expired provided that the terms of the authorization are not changed. It is further the intent of the Committee that this referral provision apply to any legislation reported by the Appropriations Committee, whether it be an original bill or an amendment to a bill originating in the House of Representatives. On the other hand, the provision does not apply to amendments offered on the floor, even if offered by direction of a committee.

Background

The Select Committee believes that the same principle of sequential referral applicable to regular bills under the authorizing bill referral recommendation above should also be applicable to appropriations bills when they carry legislation within the jurisdiction of the authorizing committees.

Recognizing the greater time pressure which often accompanies the enactment of appropriation bills, the Select Committee proposes that the referral period on such bills be limited to five days rather than the 30 days applicable to other bills. The Committee also recommends a provision allowing the majority and minority leaders to shorten that time period at their discretion.

It is the opinion of the Select Committee that, without this kind of provision, the tendency for appropriation bills to become cluttered with authorizing and other legislation will continue to seriously undermine the jurisdiction of the authorizing committees. By providing for such a referral, the authorizing committees will be able to carry out their responsibilities.

Scheduling of Committee Meetings

Current Rules

Rule XXVI requires committees to schedule meetings during one of two meeting periods, 9:00 a.m. to 11:00 a.m. or 11:00 a.m. to 2:00 p.m., but this requirement is routinely ignored.

Committee Recommendation

The Committee recommends that committee chairmen be required to announce a list of the committee members who have other mark-up meeting conflicts when the chairman announces a committee mark-up meeting.

Background

During Select Committee hearings, senators repeatedly expressed their concern over the difficulty of attending conflicting committee meetings. In the opinion of the Committee this problem could be alleviated by the use of the existing computerized scheduling system, called LEGIS REPORTS, which is maintained by the Office of the Secretary of the Senate, the Daily Digest and the Senate Computer Center. Through this system schedules and meeting conflicts can be accessed for a particular member or for all members of a particular committee or subcommittee. A listing of mark-ups, executive sessions, hearings and conference meetings is updated as the staff of the Secretary of the Senate receives information. (See Appendix C, p. 39 for example of a typical printout.)

The Committee feels that requiring a committee chairman to announce a list of committee members who have meeting conflicts when he announces a committee meeting will encourage chairmen to consult the computerized schedule before setting up committee meetings. The Committee hopes that this procedure will minimize the problem of committees with overlapping membership scheduling meetings at the same time.

Joint Intelligence Committee

Current Rules

The Select Committee on Intelligence was established by S. Res. 400, 94th Congress "to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation."

No Senator may serve on the committee for more than eight years continuously.

Committee Recommendation

The Committee recommends the establishment of a joint Senate-House Committee on Intelligence appointed by the leadership of the two Houses with a small professional staff. The Joint Committee on Intelligence would consist of five members from each body, three from the majority and two from the minority, and its rules would be modeled on those of the Joint Committee on Atomic Energy.

The Committee also recommends that the eight-year service limitation be extended to ten years so that there will be no disruption while the new Joint Committee is being established.

Background

The oversight of intelligence activities is the most sensitive task entrusted to the Congress. Review of intelligence activities must be conducted on a non-partisan basis, yet in a manner which allows

for effective Congressional oversight of the activities of the Executive. Such a balance is most likely to be found in a bipartisan, bicameral committee, attuned to the views of the leadership of the two bodies and staffed by a professional core of experts. The Congress faced a similar need in the early days of atomic energy and met that need with the creation of the Joint Committee on Atomic Energy. That experience has provided the model for the Committee's recommendation.

Two-Year Budget Process

Current Rules

The jurisdiction over the amendments to the Budget Act that would be required to establish a two-year budget process is divided among the Governmental Affairs, the Budget, and the Rules Committees.

Committee Recommendation

The Committee recommends the appointment of a Select Committee to study the budget process with particular emphasis on the feasibility of a two-year budget process and with the authority to propose legislation to improve the congressional budget process including the feasible and desirable components of two-year budgeting. This committee would consist of twelve members, equally divided between majority and minority, including two members of the Committee on Governmental Affairs, two members of the Rules Committee, two members of the Budget Committee, two members of the Appropriations Committee and four members from the Senate at large. This committee would select its chairman from among its members. The committee would be instructed to report to the Senate within 180 days and would exist for the duration of the first session of the 99th Congress.

Background

Testimony before the Select Committee on the need for a two-year budget process was overwhelming. The experience of the last two years shows clearly that there is not time in a single year to implement three separate legislative processes—the budget process as well as the authorization and the appropriation processes. The one-year cycle does not allow sufficient time for the fulfillment of mandated deadlines for all three processes, with the result that the authorizations are late and appropriations cannot be enacted in time. While support for a two-year budget process is extensive, the Committee recognizes that there are many difficult questions that must be resolved in order to move towards that goal. There is some diversity of opinion as to which process should be dealt with in which years of a Congress. These disagreements are heightened by the need to enable a newly elected president to achieve his program in the shortest possible period of time. Some of the alternative time schedules for a two-year budget process are shown in Appendix B, p. 38.

A two-year budget will, of course, entail legislation requiring action by the House as well as the Senate. The Committee is pleased that a House task force has already received much testimo-

ny on the two-year budget and is well aware that close cooperation will be needed between House and Senate to enact such legislation. However, the Committee believes that the two-year budget process can best be achieved through the normal legislative process rather than by establishing some special new mechanism.

The Select Committee notes that the need for a two-year process was recognized when the Budget Act was enacted. The Act called for the submission of advance authorizations. That provision has, however, not been followed by any administration. It appears that advance authorizations are not sufficient to accomplish the extension of the timetable that is required with the institution of a budget process. Therefore, the broader approach of the biennial budget would be a possible solution. The Select Committee is convinced that, with the expertise already residing in the Budget, Governmental Affairs, and Rules Committees, the new select committee will be able to produce recommendations within the 90-day time period.

IV. OTHER RECOMMENDATIONS

Nongermane Amendments

The Problem

Under current rules, amendments must be germane in the following cases: after cloture is invoked, on general appropriations bills, and under certain statutory procedures, most importantly on budget resolutions and reconciliation bills. Germaneness is also regularly required under unanimous consent agreements.

The opportunity to offer non-germane amendments lies at the heart of Senate procedure. It is an essential component of the principle of the protection of the minority. With this opportunity, the majority cannot foreclose debate and votes on issues that a minority wants brought to national attention. In addition, the opportunity to offer such amendments enables Senators to bring to the floor issues on which the committee of jurisdiction has not acted.

Recommendation

While non-germane amendments have a legitimate place in Senate procedure, they can also be used to divert the Senate from important policy debates and to impede action on essential legislation. One way to preserve the protection that non-germane amendments give, while protecting the ability of the Senate to conduct its business, is to provide for a special germaneness rule, invoked by 60% of those present and voting. To ensure that the rule can be effectively enforced, it would also be necessary to require a similar majority to overturn rulings of the chair holding an amendment non-germane. This proposal has a distinguished history, having been suggested by the present minority leader and the assistant majority leader. For a history of proposals limiting non-germane amendments, see Appendix D, p. 41.

Filibuster and Cloture

The Problem

The tradition of unlimited debate prevailed in the Senate until 1917. A procedure to cut off debate was adopted only as a result of

the blockage by a small group of Senators of the Wilson Administration's measure to authorize the arming of merchant ships immediately prior to World War I. The history of limitations on debate in the Senate is set forth in the Minority Leader's scholarly insertions in the *Congressional Record* of March 10, 1981, and no attempt to review that history will be made here. That history shows that this is another area in which the Senate has balanced the rights of the minority with the ultimate duty of the Senate to act on the important issues of the day.

It is also abundantly clear from that history that neither unlimited debate—nor the authority to cut it off—were intended to be used lightly. The principle of unlimited debate was designed to protect the minority exercising its right to delay, or even prevent, action on issues of fundamental principle. The authority to cut off debate enabled a strong majority to act after the minority had exercised its rights. Filibuster and cloture were meant for great issues but they have become trivialized as recent history all too clearly demonstrates. In the last 6 weeks of the 98th Congress, more cloture votes took place than during the first 10 years of the existence of Rule 22. The Senate voted 7 times on cloture petitions; three of those votes were on the motion to proceed. Eight other cloture petitions were filed and later vitiated.

By comparison, from 1963 to 1965, when the Senate considered such controversial issues as amending Rule 22, the Civil Rights Act of 1964, legislative apportionment and the Voting Rights Act of 1965, only 4 cloture votes took place.

Cloture is not only invoked too often, it is invoked too soon and it is invoked on procedural as well as substantive issues. Each of the cloture petitions at the end of the 98th Congress was filed on the same day that the matter came before the Senate as compared to the cloture petitions on the Treaty of Versailles and the Civil Rights Act of 1964 which were filed after these matters had been pending in the Senate for 51 and 57 days respectively.

Recommendations

To restore the historic balance between unlimited debate and the invocation of cloture, it is necessary to ensure that unlimited debate is permitted only on substantive issues by providing for a two hour time limit on the motion to proceed and to make cloture not only more difficult to invoke but more effective once invoked.

V. CBO SAVINGS ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 20, 1984.

Hon. DAN QUAYLE,
Chairman, Select Committee to Study the Committee System, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the draft recommendations of the Senate Select Committee to Study the Committee System, dated November 2, 1984. The Committee is proposing 11 changes in the Senate committee system. One of them, the establishment of a joint committee on intelligence, is expected to produce savings of about $1.5 million annually. Further savings of up to $6.5 million annually may result from the elimination of 30 subcommittees, if committee budgets are reduced correspondingly.

Recommendation No. 3 would limit each committee (except for the Appropriations Committee) to a maximum of five subcommittees, resulting in the elimination of 30 subcommittees. If a proportional reduction is made in staffing and other expenses by January 1986, this recommendation could reduce total committe costs by as much as $3 million in fiscal year 1986 and by about $6.5 million annually thereafter. However, there is no assurance that such savings would be realized simply as a result of eliminating subcommittees, since staff positions and budgetary allotments could be reallocated within committees. For example, the Senate committee reorganization of 1977 resulted in the elimination of 49 subcommittees between the 94th Congress and the 96th Congress—but the number of committee staff members remained about the same and committee expenditures increased. Therefore, specific steps to constrain committee budgets would be necessary to realize significant savings from implementing this recommendation.

Recommendation No. 10 would establish a joint Senate-House committee on intelligence, with a small professional staff, which would replace the two existing intelligence committees. Currently, the House and Senate intelligence committees have 60 staff members between them, and their combined budgets amount to about $3 million. Eliminating the two separate committees and creating a joint intelligence committee would save about $1.5 million annually, assuming that the new committee would cost about the same as one of the existing committees. Our estimate assumes that such savings would not be realized until at least fiscal year 1986.

Recommendation No. 11 would create a Senate select committee to propose legislation necessary for implementing a two-year budget process. Since the select committee would rely on staff resources from existing committees and would not be authorized to hire staff, there are no significant costs associated with this recommendation.*

The remaining recommendations in the Committee's report would not result in any additional costs or savings to the federal

*Under an amendment adopted after this letter was written, the committee would be authorized to hire staff.

government. In addition, none of these recommendations would affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely

RUDOLPH G. PENNER, *Director.*

VI. SENATE RESOLUTION

To improve the operation of the committee system of the Senate, and for other purposes

Resolved, That (a) paragraph 2 of rule XXV of the Standing Rules of the Senate is amended to read as follows:

"2. Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Agriculture, Nutrition, and Forestry	15
"Appropriations	27
"Armed Services	15
"Banking, Housing, and Urban Affairs	15
"Commerce, Science, and Transportation	17
"Energy and Natural Resources	17
"Environment and Public Works	15
"Finance	19
"Foreign Relations	15
"Government Affairs	13
"Judiciary	17
"Labor and Human Resources	15".

(b) Paragraph 3 of rule XXV of the Standing Rules of the Senate is amended to read as follows:

"3. (a) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Budget	21
"Indian Affairs	7
"Rules and Administration	11
"Small Business	13
"Veterans' Affairs	11

"(b) Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Aging	13
"Intelligence	11
"Joint Economic Committee	10

"(c) Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Ethics	6
"Joint Committee on Taxation	5.".

SEC. 2. (a) Paragraph 4(a) of rule XXV of the Standing Rules of the Senate is amended—

(1) by striking out "and" at the end of clause (1),

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and";

(3) by adding at the end thereof the following:

"(3) each Senator may serve on not more than a total of nine committees and subcommittees except for members of the Appropriations Committee who may not serve on more than eleven committees and subcommittees."; and

(4) by adding at the end thereof the following new sentence: "For the purpose of division (3) of this subparagraph, only committees listed in paragraphs 2 and 3 (a) and (b) and subcommittees thereof shall be counted.".

(b)(1) Paragraph 4(b)(1) of rule XXV of the Standing Rules of the Senate is amended by striking out "three" and inserting in lieu thereof "two" and by striking out "listed in paragraph 2".

(2) Paragraph 4(b) of rule XXV of the Standing Rules of the Senate is amended by striking out division (2) and by redesignating divisions (3) and (4) as divisions (2) and (3), respectively.

(3) Paragraph 4(b)(2) of rule XXV of the Standing Rules of the Senate (as amended by this subsection) is amended by striking out "subparagraphs (1) and (2)" and inserting in lieu thereof "division (1) of this subparagraph and division (3) of subparagraph (a)".

(c) Paragraph 4(b) of rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"(4) No committee of the Senate may establish more than five subcommittees, except the Committee on Appropriations which may establish not more than thirteen subcommittees.".

SEC. 3. Subparagraphs (g), (h), (i), (j), (k), (l), (m), and (n) of paragraph 4 of rule XXV of the Standing Rules of the Senate are repealed.

SEC. 4. Paragraph 3 of rule XXVI of the Standing Rules of the Senate is amended by inserting after the first sentence the following: "Whenever the date and hour for a meeting called by a committee to mark up legislation is announced, the chairman shall announce which members of such committee have other committee markup meetings previously scheduled for such date and hour.".

SEC. 5. Paragraph 7(a)(1) of Rule XXVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new sentence: "In carrying out the provisions of the previous sentence, a committee or a subcommittee shall be deemed to consist of the number of its members exclusive of the majority and minority leaders.".

SEC. 6. Rule XVII of the Standing Rules of the Senate is amended—

(1) by striking out "paragraph 3" in paragraph 1 and inserting in lieu thereof "paragraphs 3, 4, and 5";

(2) by redesignating paragraphs 4 and 5 as paragraphs 6 and 7, respectively; and

(3) by adding after paragraph 3 the following:

"4. Any proposed legislation reported by any standing committee which contains subject matter within the jurisdiction of another standing committee shall, at the request of the chairman or ranking minority member of such committee, be referred to such standing committee prior to its consideration by the Senate. The committee to which such proposed legislation is referred shall be limited, in the consideration of such proposed legislation, to each portion of such legislation that contains the subject matter within the committee's jurisdiction. If any committee to which proposed legis-

lation has been referred pursuant to this paragraph has not reported within 30 calendar days, or such shorter time as may be determined by the Senate, (excluding the days on which the Senate is not in session because of an adjournment of more than three days to a day certain) after the referral, such committee shall be discharged from further consideration of such proposed legislation."

"5. Any proposed bill or joint resolution making appropriations reported by the Committee on Appropriations which includes a legislative provision outside its jurisdiction shall, at the request of the chairman or ranking minority member of any committee having jurisdiction over such legislative provision, be considered and reported by the committee requesting referral prior to its consideration by the Senate. If any committee to which such bill or joint resolution has been referred pursuant to this paragraph has not reported within 5 calendar days (excluding days when the Senate is not in session) or such shorter period of reference as is agreed upon by the majority leader or his designee and the minority leader or his designee, such committee shall be discharged from further consideration of such bill or joint resolution.".

SEC. 7. (a)(1) There is established for the duration of the first session of the 99th Congress a select committee of the Senate to be known as the Select Committee on the Two Year Budget (hereafter in this section referred to as the "select committee"). The select committee shall be composed of twelve members of the Senate, six from the majority party and six from the minority party, to be appointed by the President of the Senate upon the recommendation of the majority leader and the minority leader.

(2) Of the twelve members—

(A) two members shall be from the Committee on the Budget;

(B) two members shall be from the Committee on Rules and Administration;

(C) two members shall be from the Committee on Governmental Affairs;

(D) two members shall be from the Committee on Appropriations; and

(E) four members shall be from the Senate at large.

(3) The select committee shall select a chairman from among its majority members and a cochairman from among its minority members.

(b)(1) A majority of the members of the select committee shall constitute a quorum for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(2) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments are made.

(3) The select committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(4) Service of a Senator as a member or a chairman of the select committee shall not be taken into account for the purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate.

(c)(1) It shall be the duty of the select committee to—

(A) study and review legislative proposals to improve the operation of the congressional budget process, including proposals for the two-year budget; and

(B) recommend specific legislation to improve the operation and enforcement of the congressional budget process, including such components of two-year budgeting which the select committee finds to be desirable and feasible. In carrying out clause (A) of this paragraph, the select committee shall pay particular attention to the need to free the time of senators from unnecessary repetitive operations, to encourage oversight of enacted legislation by committees, to provide stable funding expectations to state and local governments and to maintain accurate budgetary estimates and assessments of national needs and priorities.

(2) The select committee shall report and make recommendations to the Senate within 180 days after the adoption of this section.

(d)(1) For the purposes of this section, the select committee is authorized (A) to employ personnel, (B) to make expenditures from the contingent fund of the Senate, (C) to hold hearings, and (D) to sit and act at any time or place.

(2) With the consent of the chairman and ranking minority member of any other committee of the Senate, the select committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommittee thereof, whenever the chairman and cochairman of the select committee determines that such action is necessary and appropriate.

(e) Expenses of the select committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

SEC. 8. The first sentence of section 2(b) of Senate Resolution 400, 94th Congress, is amended by striking the word "eight" and inserting in lieu thereof "ten".

CONCURRENT RESOLUTION

To establish a Joint Committee on Intelligence Oversight

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a Joint Committee on Intelligence Oversight (hereinafter referred to as the "joint committee") which shall be composed of ten members appointed as follows:

(1) five members of the Senate, three to be appointed by the majority leader of the Senate and two to be appointed by the minority leader of the Senate; and

(2) five members of the House of Representatives, three to be appointed by the majority leader of the House of Representatives and two to be appointed by the minority leader of the House of Representatives.

(b) The joint committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even numbered Congress shall be selected by the Members of the House of Representatives on the joint committee from among their number and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the joint committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

SEC. 2. (a) The jurisdiction and duties of the joint committee shall be as provided in section 3 of Senate Resolution 400, 94th Congress, relating to the Select Committee on Intelligence, approved May 19, 1976.

(b) All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the jurisdiction of the joint committee shall be referred to the joint committee. The members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are (1) referred to the joint committee, or (2) otherwise within the jurisdiction of the joint committee.

SEC. 3. The joint committee shall be administered in accordance with the provisions of sections 4 through 14 and section 16 of Senate Resolution 400, 94th Congress, except that all staff shall be appointed jointly by the chairman and vice chairman and such appointments shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

SEC. 4. For purposes of the resolution, all references in Senate Resolution 400 to—

(1) the term "select committee" shall be treated as referring to the "joint committee"; and

(2) the term "Senate" shall be treated as referring to either House of the Congress, subject to the rules and procedures of the House of Representatives.

VII. CHANGES IN EXISTING RULES AND RESOLUTIONS

Changes in existing rules and resolutions made by the proposed Senate Resolution are shown as follows (existing matter proposed to be omitted is enclosed in black brackets, new matter is italic).

STANDING RULES OF THE SENATE

Rule XVII

Reference to Committees; Motions to Discharge; Reports of Committees; and Hearings Available.

1. Except as provided in [paragraph 3,] *paragraphs 3, 4 and 5,* in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appear. * * *

"4. Any proposed legislation reported by any standing committee which contains subject matter within the jurisdiction of another standing committee shall, at the request of the chairman or ranking minority member of such committee, be referred to such standing committee prior to its consideration by the Senate. The committee to which such proposed legislation is referred shall be limited, in the consideration of such proposed legislation, to each portion of such legislation that contains the subject matter within the committee's jurisdiction. If any committee to which proposed legislation has been referred pursuant to this paragraph has not reported within 30 calendar days, or such shorter time as may be determined by the Senate, (excluding the days on which the Senate is not in session because of an adjournment of more than three days to a day certain) after the referral, such committee shall be discharged from further consideration of such proposed legislation."

5. Any proposed bill or joint resolution making appropriations reported by the Committee on Appropriations which includes a legislative provision outside its jurisdiction shall, at the request of the chairman or ranking minority member of any committee having jurisdiction over such legislative provision, be considered and reported by the committee requesting referral prior to its consideration by the Senate. If any committee to which such bill or joint resolution has been referred pursuant to this paragraph has not reported within 5 calendar days (excluding days when the Senate is not in session) or such shorter period of reference as is agreed upon by the majority leader or his designee and the minority leader or his designee, such committee shall be discharged from further consideration of such bill or joint resolution."

6. [4.] (a) All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

(b) Whenever any committee (except the Committee on Appropriations) has reported any measure, by action taken in conformity with the requirements of paragraph 7 of rule XXVI, no point of

order shall lie with respect to that measure on the ground that hearings upon that measure by the committee were not conducted in accordance with the provisions of paragraph 4 of rule XXVI.

7. [5.] Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

(1) may be waived by joint agreement of the majority leader and the minority leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

Rule XXV

STANDING COMMITTEES

* * *

2. Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

Committee:	Members
Agriculture, Nutrition, and Forestry	[18] *15*
Appropriations	[29] *27*
Armed Services	[18] *15*
Banking, Housing, and Urban Affairs	[18] *15*
Commerce, Science and Transportation	[17] *17*
Energy and Natural Resources	[21] *17*
Environment and Public Works	[18] *15*
Finance	[20] *19*
Foreign Relations	[18] *15*
Governmental Affairs	[18] *13*
Judiciary	[18] *17*
Labor and Human Resources	[18] *15*

3. (a) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

Committee:	Members
Budget	[22] *21*
Indian Affairs	*7*
Rules and Administration	[12] *11*
Veterans' Affairs	[12] *11*
Small Business	[19] *13*

(b) Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

Committee:	Members
Aging	[19] *13*
Intelligence	[15] *11*
Joint Economic Committee	10

(c) Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

Committee:	Members
Ethics	6
[Indian Affairs	7]
Joint Committee on Taxation	5

4. (a) Except as otherwise provided by this paragraph—

(1) each Senator shall serve on two and no more committees listed in paragraph 2; [and]

(2) each Senator may serve on only one committee listed in paragraph 3 (a) or (b) *; and*

(3) each Senator may serve on not more than a total of nine committees and subcommittees except for members of the Appropriations Committee who may not serve on more than eleven committees and subcommittees.

For the purpose of division (3) of this subparagraph, only committees listed in paragraphs 2 and 3 (a) and (b) and subcommittees thereof shall be counted.

(b)(1) Each Senator may serve on not more than [three] *two* subcommittees of each committee (other than the Committee on Appropriations) [listed in paragraph 2] of which he is a member.

[(2) Each Senator may serve on not more than two subcommittees of a committee listed in paragraph 3 (a) or (b) of which he is a member.]

(2) [(3)] Notwithstanding *division (1) of this subparagraph and division (3) of subparagraph (a),* [subparagraphs (1) and (2)] a Senator serving as chairman or ranking minority member of a standing, select, or special committee of the Senate or joint committee of the Congress may serve ex officio, without vote, as a member of any subcommittee of such committee or joint committee.

(3) [(4)] No committee of the Senate may establish any subunit of that committee other than a subcommittee, unless the Senate by resolution has given permission therefor. For purposes of this subparagraph, any subunit of a joint committee shall be treated as a subcommittee.

(4) No committee of the Senate may establish more than five subcommittees, except the Committee on Appropriations which may establish not more than thirteen subcommittees. * * *

[(g) A Senator who on the day preceding the effective date of title I of the Committee System Reorganization Amendments of 1977 was serving as the chairman or ranking minority member of the Committee on the District of Columbia or the Committee on Post Office and Civil Service may serve on the Committee on Governmental Affairs in addition to serving on two other standing

committees listed in paragraph 2. At the request of any such Senator, he shall be appointed to serve on such committee but, while serving on such committee and two other standing committees listed in paragraph 2, he may not serve on any committee listed in paragraph 3 (a) or (b) other than the Committee on Rules and Administration. The preceding provisions of this subparagraph shall apply with respect to any Senator only so long as his service as a member of the Committee on Governmental Affairs is continuous after the date on which the appointment of the majority and minority members of the Committee on Governmental Affairs is initially completed.

[(h)(1) A Senator may serve on the Committee on the Budget in addition to serving on two other committees listed in paragraph 2, but any Senator so serving may not serve on any committee listed in paragraph 3 (a) or (b).

[(2) Notwithstanding subparagraph (1), a Senator who is serving on the Committee on the Budget and two other committees listed in paragraph 2 may also serve on the Select Committee on Small Business or the Special Committee on Aging or, in the case of a Senator who was a member of the Select Committee on Intelligence on the last day of the Ninety-fifth Congress, may continue to serve on such select committee so long as his service on such select committee is continuous and he is eligible to serve on such select committee under the provisions of section 2(b) of Senate Resolution 400, Ninety-fourth Congress, as amended.

[(3) A Senator who is eligible under subparagraph (i) to serve on three committees listed in paragraph 2 may serve on the Committee on the Budget in addition to serving on such committees, but any Senator so serving may not serve on any committee listed in paragraph 3 (a) or (b).

[(4) A Senator who on the last day of the Ninety-sixth Congress was serving as a member on the Joint Economic Committee may, during the Ninety-seventh and the Ninety-eighth Congresses, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraph 3 (a) or (b).

[(i)(1) A Senator who on the last day of the Ninety-fifth Congress was serving as a member of three committees listed in paragraph 2 (as this rule was in effect on such day) may continue to serve as a member of each of such committees so long as his service as a member of each such committee is continuous.

[(2) A Senator who on the last day of the Ninety-fifth Congress was serving as a member of the Committee on Energy and Natural Resources and the Committee on the Judiciary may also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each of such committees is continuous, but in no event may he serve, by reason of this subparagraph, as a member of more than three committees listed in paragraph 2.

[(3) A Senator who on the last day of the Ninety-fifth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Banking, Housing, and Urban Affairs may also serve as a member of the Committee on Foreign Relations so long as his service as a member of each of

such committees is continuous, but in no event may he serve, by reason of this subparagraph, as a member of more than three committees listed in paragraph 2.

[(4) A Senator who on the last day of the Ninety-sixth Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations or the Committee on Finance may, during the Ninety-seventh and the Ninety-eighth Congresses, also serve as a member of the Committee on the Judiciary so long as his service as a member of each of such committees is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(5) A Senator who on the last day of the Ninety-fifth Congress was serving as a member of the Committee on Small Business and was also serving on the Committee on Intelligence may, during the Ninety-seventh and the Ninety-eighth Congresses, continue to serve on both of such committees so long as service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraph (3) (a) or (b).

[(6) A Senator who on the last day of the Ninety-sixth Congress was serving as a member of the Committee on Appropriations and the Committee on Energy and Natural Resources may, during the Ninety-seventh and the Ninety-eigth Congresses, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each of such committees is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(7) A Senator who on the last day of the Ninety-sixth Congress was serving as a member of the Committee on the Judiciary and the Committee on Commerce, Science, and Transportation may, during the Ninety-seventh and the Ninety-eighth Congresses, also serve as a member of the Committee on Agriculture, Nutrition, and Forestry so long as his service as a member of each of such committees is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(8) A Senator who on the last day of the Ninety-sixth Congress was serving as a member of the Committee on the Judiciary and the Committee on Finance may, during the Ninety-seventh and the Ninety-eighth Congresses, also serve as a member of the Committee on Environment and Public Works so long as his service as a member of each of such committees is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(9) A Senator who on the last day of the Ninety-sixth Congress was serving as a member of the Committee on the Finance and the Committee on Banking, Housing, and Urban Affairs may, during the Ninety-seventh and the Ninety-eighth Congresses, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each of such committees is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(10) A Senator who on the last day of the Ninety-sixth Congress was serving as a member of the Committee on the Armed Services and the Committee on Labor and Human Resources may, during the Ninety-seventh and the Ninety-eighth Congresses, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each of such committees is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(11) A Senator who on the last day of the Ninety-sixth Congress was serving as a member of the Committee on the Finance and the Committee on Environment and Public Works may, during the Ninety-seventh and the Ninety-eighth Congresses, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each of such committees is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(j) If the majority and minority leaders find that the limitation, imposed by the preceding provisions with respect to the number of committees listed in paragraphs 2 and 3 (a) and (b) upon which a Senator may serve, prevents the filling of all membership positions in any of such committees, then such leaders may enter into an agreement under which a Senator may serve on the Committee on the Budget or the Committee on Intelligence while also serving on two other of the committees listed in paragraph 2 and on one of the committees listed in paragraph 3 (a) or (b). The provisions of this subparagraph shall be effective only during the Ninety-seventh and the Ninety-eighth Congresses.

[(k) Two Senators, each of whom was first elected to the Senate for a term which commences on January 3, 1981, may serve, during the Ninety-seventh Congress, on the Committee on the Judiciary, the Committee on Labor and Human Resources, and also on one other committee listed in paragraph 2 so long as the service of the Senator as a member of each of such committees is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(l) A Senator who was appointed pursuant to Senate Resolution 366, 97th Congress, to serve on the Committee on Labor and Human Resources, the Committee on Banking, Housing, and Urban Affairs, or the Committee on Rule and Administration may, during the Ninety-eighth Congress, serve on such committee while continuing to serve on each other committee to which he was assigned to service as of the date such resolution was agreed to.

[(m) A Senator was appointed pursuant to Senate Resolution 380, 97th Congress, to serve on the Committee on Agricultural, Nutrition, and Forestry may, during the Ninety-eighth Congress, serve on such committee while continuing to serve on each other committee to which he was assigned to service as of the date such resolution was agreed to.

[(n)(1) A Senator who on the last day of the Ninety-seventh Congress was serving as a member of the Committee on Energy and Natural Resources and the Committee on Environment and Public Works may, during the Ninety-eighth Congress, also serve as a

member of the Committee on Appropriations so long as his service as a member of such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(2) A Senator who on the last day of the Ninety-seventh Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the Ninety-eighth Congress, also serve as a member of the Committee on Armed Services so long as his service as a member of such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(3) A Senator who on the last day of the Ninety-seventh Congress was serving as a member of the Committee on Finance and the Committee on Governmental Affairs may, during the Ninety-eighth Congress, also serve as a member of the Committee on Environment and Public Works so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(4) A Senator who on the last day of the Ninety-seventh Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the Ninety-eighth Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(5) A Senator who on the last day of the Ninety-seventh Congress was serving as a member of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance may, during the Ninety-eighth Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(6) A Senator who on the last day of the Ninety-seventh Congress was serving as a member of the Committee on Appropriations and the Committee on Banking, Housing, and Urban Affairs may, during the Ninety-eighth Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(7) A Senator who on the last day of the Ninety-seventh Congress was serving as a member of the Committee on Finance and the Committee on the Judiciary may, during the Ninety-eighth Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(8) A Senator who on the last day of the Ninety-seventh Congress was serving as a member of the Committee on Veterans' Af-

fairs may, during the Ninety-eighth Congress, also serve as a member of the Committee on Rules and Administration so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraph 3 (a) or (b).

[(9) A Senator who on the last day of the Ninety-seventh Congress was serving as a member of the Committee on Aging may, during the Ninety-eighth Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraph 3 (a) or (b).

[(10) A Senator who on the last day of the Ninety-seventh Congress was serving as a member of the Committee on Aging may, during the Ninety-eighth Congress, also serve as a member of the Committee on Small Business so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraph 3 (a) or (b).

[(11) A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services and on the Committee on the Judiciary may, during the Ninety-eighth Congress, also serve as a member of the Committee on Labor and Human Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(12) A Senator who on the date this subdivision is agreed to is serving on the Committee on Agriculture, Nutrition, and Forestry and the Committee on Banking, Housing, and Urban Affairs may, during the Ninety-eighth Congress, also serve on the Committee on Labor and Human Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(13) A Senator who on the date this subdivision is agreed to is serving on the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs may, during the Ninety-eighth Congress, also serve on the Committee on Labor and Human Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(14) A Senator who on the date this subdivision is agreed to is serving on the Committee on the Budget and the Committee on Small Business may, during the Ninety-eighth Congress, also serve on the Committee on Veterans' Affairs but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 3 (a) or (b).

[(15) A Senator who on the date this subdivision is agreed to is serving on the Committee on Agriculture, Nutrition, and Forestry, the Committee on Labor and Human Resources, and on the Committee on Banking, Housing, and Urban Affairs, may, in lieu of their service on the Committee on Banking, Housing, and Urban Affairs during the Ninety-eighth Congress, also serve as a member of the Committee on Foreign Relations, but in no event may such

Senator serve by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(16) A Senator who on the date this subdivision is agreed to is serving on the Committee on Armed Services, the Committee on Environment and Public Works, and the Committee on Labor and Human Resources, may, in lieu of the Committee on Labor and Human Resources, also serve as a member of the Committee on Banking, Housing, and Urban Affairs, but in no event may such Senator serve by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(17) A Senator who, on the date this subdivision is agreed to, is serving on the Committee on Rules and Administration may also serve as a member of the Special Committee on Aging.

[(18) A Senator who on the date this subdivision is agreed to, is serving on the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Banking, Housing, and Urban Affairs, may, during the Ninety-eighth Congress, also serve as a member of the Committee on Armed Forces, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(19) A Senator who, on the date this subdivision is agreed to, is serving on the Committee on Armed Services and the Committee on Governmental Affairs, may, during the Ninety-eighth Congress, also serve as a member of the Committee on Energy and Natural Resources, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(20) A Senator who, on the date this subdivision is agreed to, is serving on the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation, may, during the Ninety-eighth Congress, also serve as a member of the Committee on Environment and Public Works, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

[(21) A Senator who, on the date this subdivision is agreed to, is serving on the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance, may, during the Ninety-eighth Congress, also serve as a member of the Committee on Governmental Affairs, but in no event may such Senator serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.]

Rule XXVI

COMMITTEE PROCEDURE

* * *

3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meetings days for the transaction of business before the committee and additional meetings may be called by the chairman as he may deem necessary. *Whenever the date and hour for a meeting called by a committee to mark up legislation is announced, the chairman shall announce which members of such committee have other committee*

mark up meetings previously scheduled for such date and hour. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.* * *

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present. *In carrying out the provisions of the previous sentence, a committee or a subcommittee shall be deemed to consist of the number of its members exclusive of the majority and minority leaders.*

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony. * * *

S. RES. 400—94TH CONGRESS

* * *

(b) No Senator may serve on the select committee for more than *ten* [eight] years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.* * *

VIII. SECTION-BY-SECTION ANALYSIS

SENATE RESOLUTION To improve the operation of the committee system and for other purposes

Section 1 amends paragraphs 2 and 3 of rule XXV of the *Standing Rules of the Senate* by reducing the membership levels of certain committees.

Section 2(a) amends paragraph 4 of rule XXV by requiring that senators serve on not more than 9 committees and subcommittees and members of the Appropriations Committee serve on not more than 11 committees and subcommittees of the committees listed in paragraphs 2 and 3 (a) and (b).

Section 2(b) amends rule XXV by restricting senators to membership on 2 subcommittees for each committee listed in paragraphs 2 and 3 (a) and (b) on which they serve.

Section 2(c) amends rule XXV by restricting committees to the establishment of a maximum of 5 subcommittees, except for the Committee on Appropriations which may establish a maximum of 13 subcommittees.

Section 3 repeals subparagraphs (g), (h), (i), (j), (k), (l), (m) and (n) of paragraph 4. These subparagraphs contain exceptions to the assignment limitations contained in paragraph 4(a) (1) and (2) of rule XXV.

Section 4 amends XXVI by requiring that, whenever a committee chairman announces a mark up meeting, he shall also announce which members of his committee have other committee mark up meetings previously scheduled for that time and day.

Section 5 amends rule XXVI by providing that a committee or subcommittee is deemed to consist of the number of its members exclusive of the majority and minority leaders in order to facilitate the establishment of a quorum.

Section 6 amends rule XVII by adding two provisions covering bill referral. The first provision requires that any proposed legislation reported by a committee which includes matter outside the jurisdiction of that committee shall, at the request of the chairman or ranking minority member of any committee having jurisdiction over the matter, be considered and reported by the committee requesting referral prior to its consideration by the Senate within 30 days or a period determined by the Senate.

The second provision requires that any proposed bill or joint resolution making appropriations reported by the Committee on Appropriations which includes a legislative provision outside the jurisdiction of that committee shall, at the request of the chairman or ranking minority member of any committee having jurisdiction over that legislative provision, be considered and reported by the committee requesting referral prior to its consideration by the Senate within 5 days unless a shorter period is agreed to by the majority and minority leaders.

Section 7 establishes a Select Committee on the Two Year Budget, composed of twelve members, half from the majority and half from the minority. Of the twelve members, two will be appointed from the Committee on the Budget, two will be appointed from the Committee on Rules and Administration, two will be appointed from the Committee on Governmental Affairs, two will be

appointed from the Committee on Appropriations and four will be appointed from the Senate at large. It is the duty of the select committee to study and review legislative proposals to improve the operation of the congressional budget process, including proposals for a two-year budget process.

Section 8 amends S. Res. 400, the 94th Congress resolution establishing the Select Committee on Intelligence, by changing the continuous service limitation from eight years to ten years.

CONCURRENT RESOLUTION To establish a Joint Committee on Intelligence Oversight

Section 1 establishes the Joint Committee on Intelligence Oversight consisting of ten members, five from the Senate (three appointed by the majority leader and two by the minority leader) and five from the House (three appointed by the majority leader and two by the minority leader).

The Joint Committee shall select a chairman and vice chairman from among its members at the beginning of each Congress and the chairmanship and vice chairmanship shall alternate between the Senate and the House with each Congress. During each even-numbered Congress the chairman shall be selected by the House members and the vice chairman by the Senate members. During each off-numbered Congress the chairman shall be selected by the Senate members and the vice chairman by the House members.

Section 2 describes the jurisdiction and duties of the Joint Committee as the same as provided in section 3 of Senate Resolution 400, 94th Congress, relating to the Select Committee on Intelligence.

In addition, Section 2 requires that all bills, resolutions and other matters in the Senate or House relating primarily to the jurisdiction of the Joint Committee shall be referred to it. Members of the Joint Committee shall from time to time report to their respective Houses, by bill or otherwise, their recommendations with respect to matters which are referred to the Joint Committee or are otherwise within the jurisdiction of the Joint Committee.

Section 3 provides that the Joint Committee shall be administered in accordance with the provisions of sections 4 through 14 and section 16 of Senate Resolution 400, 94th Congress, except that all staff shall be appointed jointly by the chairman and vice chairman and such appointments shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

Section 4 provides that, for the purposes of the concurrent resolution, all references in S. Res. 400 to the term "select committee" shall be treated as referring to the "joint committee" and the term "Senate" shall be treated as referring to either House of Congress.

Appendix A

TABLE 1–1.—U.S. SENATE, NUMBER OF COMMITTEES AND SUBCOMMITTEES: 1945–84

Congress	Standing committees		Select and special committees		Joint committees		Total panels
	Number [1]	Number of subcommittees [1]	Number [2]	Number of subcommittees [2]	Number [2]	Number of subcommittees [2]	
80 (1947–48)	15	61	3	NA	6	NA	NA
81 (1949–50)	15	63	2	NA	10	NA	NA
82 (1951–52)	15	65	3	0	9	NA	NA
83 (1953–54)	15	66	1	NA	10	NA	NA
84 (1955–56)	15	87	5	NA	11	11	NA
85 (1957–58)	16	85	4	4	9	12	130
86 (1959–60)	16	87	5	0	12	8	128
87 (1961–62)	16	88	2	6	11	6	129
88 (1963–64)	16	85	3	6	11	13	134
89 (1965–66)	16	92	3	6	11	14	142
90 (1967–68)	16	98	5	12	11	15	157
91 (1969–70)	16	101	5	12	10	15	159
92 (1971–72)	17	115	5	13	8	15	173
93 (1973–74)	18	127	7	13	9	16	190
94 (1975–76)	18	122	6	13	7	14	180
95 (1977–78)	15	96	6	[3] 12	4	5	138
96 (1979–80)	15	90	5	10	4	5	129
97 (1981–82)	16	101	5	4	4	6	136
98 (1983–present)	16	102	5	4	4	6	137

[1] Unless otherwise noted, data is compiled from U.S. Library of Congress. Congressional Research Service. Standing Committee Structure, and Assignments: House and Senate. Report No. 82–42 GOV, by Sula P. Richardson and Susan Schjelderup. Washington, 1982. p. 77.
[2] Unless otherwise noted, data is compiled from Brownson, Congressional Staff Directory; Congressional Quarterly, Congressional Quarterly Almanac and CQ Weekly Report; and West Publishing Co., U.S. Code Congressional and Administrative News.
[3] Includes one three-member Ad Hoc Working Group of the Select Committee on Intelligence.

Source: Congressional Research Service.

TABLE 1–2.—U.S. SENATE, COMMITTEE ASSIGNMENTS: 1945–84

Congress	Total number of assignments					Mean number of committee assignments				
	Standing committee [1]	Subcommittee of standing committee [1]	Select, special and joint committee [2]	Subcommittee of select, special and joint committee [2]	Total	Standing committee	Subcommittee of standing committee	Select, special and joint committee	Subcommittee of select, special and joint committee	Total panels
80 (1947–48)	201	326	62	NA	NA	2.09	3.40	0.65	NA	NA
81 (1949–50)	203	313	62	NA	NA	2.12	3.26	.62	NA	NA
82 (1951–52)	203	332	67	NA	NA	2.12	3.46	.70	NA	NA
83 (1953–54)	211	373	63	NA	NA	2.20	3.89	.66	NA	NA
84 (1955–56)	212	514	100	48	874	2.21	5.35	1.04	0.50	9.10
85 (1957–58)	228	530	98	36	892	2.38	5.52	1.02	.38	9.29
86 (1959–60)	250	631	116	66	1,063	2.50	6.31	1.16	.56	10.63
87 (1961–62)	240	636	95	59	1,030	2.40	6.36	.95	.59	10.30
88 (1963–64)	256	660	101	86	1,103	2.56	6.60	1.01	.86	11.03
89 (1965–66)	250	727	101	154	1,232	2.50	7.27	1.01	1.54	12.32
90 (1967–68)	252	752	120	165	1,289	2.52	7.52	1.20	1.65	12.89
91 (1969–70)	245	797	110	184	1,336	2.45	7.97	1.10	1.84	13.36
92 (1971–72)	247	895	124	197	1,463	2.47	8.95	1.24	1.97	14.63
93 (1973–74)	258	946	148	217	1,569	2.58	9.46	1.48	2.17	15.69
94 (1975–76)	240	969	120	228	1,557	2.40	9.69	1.20	2.28	15.57
95 (1977–78)	243	658	84	69	1,054	2.43	6.58	.84	.69	10.54
96 (1979–80)	252	668	78	76	1,074	2.52	6.68	.78	.76	10.74
97 (1981–82)	282	693	76	68	1,119	2.82	6.93	.76	.68	11.19

TABLE 1-2.—U.S. SENATE, COMMITTEE ASSIGNMENTS: 1945-84—Continued

Congress	Total number of assignments					Mean number of committee assignments				
	Standing committee [1]	Subcommittee of standing committee [1]	Select, special and joint committee [2]	Subcommittee of select, special and joint committee [2]	Total	Standing committee	Subcommittee of standing committee	Select, special and joint committee	Subcommittee of select, special and joint committee	Total panels
98 (1983–present)	292	771	80	49	1,192	2.92	7.71	.80	.49	11.92

[1] Source: Unless otherwise noted, data is compiled from U.S. Library of Congress. Congressional Research Service. Standing Committee Structure, and Assignments: House and Senate. Report No. 82-42 GOV, by Sula P. Richardson and Susan Schjelderup. Washington, 1982. p. 77.
[2] Sources: Unless otherwise noted, data is compiled from Brownson, Congressional Staff Directory; Congressional Quarterly, Congressional Quarterly Almanac and CQ Weekly Report; and West Publishing Co., U.S. Code Congressional and Administrative News.

Source: Congressional Research Service.

TABLE 1-3.—AVERAGE SIZE OF SENATE STANDING COMMITTEES AND THEIR SUBCOMMITTEES

Congress	Standing committees	Subcommittees of standing committees
80 (1947–48)	13.4	5.3
81 (1949–50)	13.5	5.0
82 (1951–52)	13.5	5.1
83 (1953–54)	14.1	5.7
84 (1955–56)	14.1	5.9
85 (1957–58)	14.3	6.2
86 (1959–60)	15.6	7.3
87 (1961–62)	15.0	7.2
88 (1963–64)	16.0	7.8
89 (1965–66)	15.6	7.9
90 (1967–68)	15.8	7.7
91 (1969–70)	15.3	7.9
92 (1971–72)	14.5	7.8
93 (1973–74)	14.3	7.5
94 (1975–76)	13.3	7.9
95 (1977–78)	16.2	6.9
96 (1979–80)	16.8	7.4
97 (1981–82)	17.6	6.9
98 (1983–present)	18.3	7.6

Source: Congressional Research Service.

Appendix B

THREE TIMETABLES FOR 2-YEAR BUDGET

	S. 12 Ford/Quayle	S. 20 Roth	Bellmon Schedule
	Budget Procedures Improvement Act of 1983	Budget Reform Act of 1983	Biennial Budget and approp. cycle
	2-yr fiscal period: Oct. 1, even yr to Sep. 30, even yr	2-yr fiscal period: Jan. 1, even yr to Dec. 31, odd yr	2-yr fiscal period: Oct. 1, odd yr to Sep. 30, odd yr
Odd year:			
January	President submits budget	President submits budget (including current services).	Budget and Appropriation bills considered.
		Committee oversight reports to Houses.	Do.
March		Committee views and estimates to Budget Committees.	Do.
April	CBO report to Budget Committees	CBO report to Budget Committees	Do.

THREE TIMETABLES FOR 2-YEAR BUDGET—Continued

	S. 12 Ford/Quayle	S. 20 Roth	Bellmon Schedule
	Budget Procedures Improvement Act of 1983	Budget Reform Act of 1983	Biennial Budget and approp. cycle
	2-yr fiscal period: Oct. 1, even yr to Sep. 30, even yr	2-yr fiscal period: Jan. 1, even yr to Dec. 31, odd yr	2-yr fiscal period: Oct. 1, odd yr to Sep. 30, odd yr
		Concurrent Resolution reported to Houses.	Do.
May	Committee reports to Budget Committees.	Committees report new budget authorizations.	Do.
		Action on concurrent resolution completed.	Do.
June	1st concurrent resolution reported to Houses.	Omnibus appropriation bill reported by House Appropriation Committee.	Do.
July	Committees report new budget authorizations.	President and CBO report to Budget Committees.	Do.
	Action on 1st concurrent resolution completed.	House completes action on Omnibus appropriation bill.	Do.
September	Committees report allocations of 1st concurrent resolution.	Omnibus appropriation bill reported by Senate Appropriation Committee.	Do.
		Action on new spending authority completed.	Do.
October		Action on Omnibus appropriation bill completed.	2-yr fiscal period begins. Recess Oct. 1 to 15. Authorization/oversight session begins.
December	Action on authorization of new budget authority completed.		Recess.
Even year:			
January	President submits revised budget	2-yr fiscal period begins	Recess ends.
		President and CBO report to Budget Committees.	Authorization/oversight continues.
March	House committees report new budget and spending authority bills.	Committees conduct oversight during 2d session.	Authorization/oversight completed. Recess.
April	Senate committees report new budget and spending authority bills.		Supplemental appropriations session. Congress adjourns sine die.
June	Budget Committees report 2d concurrent resolution to Houses.		
July	Action on new budget and spending authority bills completed.	President and CBO report to Budget Committees.	
August	Action on 2d concurrent resolution completed.		
September	Action on reconciliation bill completed.		
October	2-yr fiscal period begins		
November	President submits current services budget.		

Appendix C

Markup, Conference, and Meeting Conflicts

WEDNESDAY, SEPTEMBER 12, 1984

Committee on Energy and Natural Resources: 10:00 a.m. Mark Up Session.

Member	Time	Committee or subcommittee
Johnston		None.
Bumpers		None.
Ford		None
Metzenbaum	10:00 a.m.	Committee on Labor and Human Resources.
Metzenbaum	10:30 a.m.	Subcommittee on Separation of Powers.
Matsunaga	10:00 a.m.	Committee on Labor and Human Resources.
Melcher		None.
Tsongas		None.
Bradley		None.
Levin		None.
McClure		None.
Hatfield		None.
Weicker	10:00 a.m.	Committee on Labor and Human Resources.
Domenici	10:00 a.m.	Committee on Environment and Public Works.
Wallop		None.
Warner		None.
Murkowski		None.
Nickles	10:00 a.m.	Committee on Labor and Human Resources.
Hecht		None.
Chafee	10:00 a.m.	Committee on Environment and Public Works.
Heinz		None.
Evans	10:00 a.m.	Committee on Environment and Public Works.

Committee on Environment and Public Works: 10:00 a.m. Mark Up Session.

Member	Time	Committee or subcommittee
Randolph	10:00 a.m.	Committee on Labor and Human Resources.
Bentsen		None.
Burdick		None.
Hart		None.
Moynihan		None.
Mitchell		None.
Baucus	10:30 a.m.	Subcommittee on Separation of Powers.
Lautenberg		None.
Stafford	10:00 a.m.	Committee on Labor and Human Resources.
Baker		None.
Chafee	10:00 a.m.	Committee on Energy and Natural Resources.
Simpson	10:30 a.m.	Subcommittee on Separation of Powers.
Abdnor		None.
Symms		None.
Domenici	10:00 a.m.	Committee on Energy and Natural Resources.
Durenberger		None.
Humphrey		None.
Evans	10:00 a.m.	Committee on Energy and Natural Resources.

Committee on the Judiciary: 10:30 a.m. Subcommittee on the Separation of Powers Mark Up Session.

Member	Time	Committee or subcommittee
Baucus	10:00 a.m.	Committee on Environment and Public Works.
Metzenbaum	10:00 a.m.	Committee on Energy and Natural Resources.
Metzenbaum	10:00 a.m.	Committee on Labor and Human Resources.
East	10:00 a.m.	Committee on Labor and Human Resources.
Denton	10:00 a.m.	Committee on Labor and Human Resources.
Simpson	10:00 a.m.	Committee on Environment and Public Works.

Committee on Labor and Human Resources: 10:00 a.m. Executive Meeting.

Member	Time	Committee or subcommittee
Kennedy		None.
Randolph	10:00 a.m.	Committee on Environment and Public Works.
Pell		None.
Eagleton		None.
Riegle		None.
Metzenbaum	10:00 a.m.	Committee on Energy and Natural Resources.
Metzenbaum	10:30 a.m.	Subcommittee on Separation of Powers.
Matsunaga	10:00 a.m.	Committee on Energy and Natural Resources.
Dodd		None.
Hatch		None.
Stafford	10:00 a.m.	Committee on Environment and Public Works.
Quayle		None.
Nickles	10:00 a.m.	Committee on Energy and Natural Resources.
Denton	10:30 a.m.	Subcommittee on Separation of Powers.
Weicker	10:00 a.m.	Committee on Energy and Natural Resources.
Grassley		None.
East	10:30 a.m.	Subcommittee on Separation of Powers.
Hawkins		None.
Thurmond		None.

Appendix D

[Taken From A "GERMANENESS AMENDMENT" PROVISION TO SENATE RULES: AN OVERVIEW OF RECENT RECOMMENDATIONS]

(By Walter J. Oleszek, Specialist in American National Government, Government Division, Congressional Research Service, August 20, 1980, Pages 21-27)

The next year (February 7, 1975), Senators Pastore, Bentsen, and seven other Members introduced a resolution (S. Res. 68) to establish a procedure for requiring amendments to bills and resolutions to be germane. As Senator Pastore explained:

"The purpose of this resolution is to make it possible to prohibit the introduction of nongermane amendments only and if two-thirds of those present and voting so decide. This motion would be nondebatable and nonrenewable whether decided one way or the other.

"If the Senate, by two-thirds vote of those present and voting, decided that no nongermane amendments would be in order, thereafter no nongermane amendments could be offered for the remainder of the consideration of the pending business.

"On the other hand, is such motion failed, then nongermane amendments would be in order for the remainder of the pending business."[34]

The Resolution was referred to the Committee on Rules and Administration.

On May 6, 1976, the Rules Committee favorably reported (S. Rept. 94-791) the resolution. The Committee amended the Pastore-Bentsen Resolution in two regards. It exempted committee amendments from the germaneness requirement and amendments adopted before a germaneness motion was agreed to by the Senate. Because the Rules Committee's report accompanying S. Res. 68 is brief, it is cited in full.

"The Committee on Rules and Administration, to which was referred the resolution (S. Res. 68) to amend rule XVIII of the Standing Rules of the Senate, having considered the same, reports favorably thereon with amendments and recommends that the resolution as amended be agreed to.

"Senate Resolution 68 would amend rule XVIII of the Standing Rules of the Senate to provide that any time during the consideration of a bill or resolution by the Senate it shall be in order to adopt a motion requiring the germaneness of further amendments to the said measure.

"The amendments approved by the Committee on Rules and Administration propose to change the resolution as introduced so as to exempt amendments reported by the committee from the germaneness requirement as well as any amendments already agreed to before any such motion should be adopted. The committee like-

[34] Congressional Record, Daily Edition, v. 114, February 7, 1975. p. S1663.

wise proposes to eliminate that language which would allow only one motion to be in order during the consideration of a particular bill or a particular resolution.

"This resolution, if adopted by the Senate would not mean that there would no longer be any nongermane amendments added to a bill in the Senate. The germaneness situation during the consideration of bills and resolutions would mean the same as under the existing rules; namely, germaneness would not be required except when the Senate is operating under a unanimous consent agreement to that effect, considering general appropriation bills which require germaneness of amendments under paragraph 4 of rule XVI, and when the Senate should invoke cloture on a bill or resolution under rule XXII; unless, of course, the Senate should by a two-thirds vote adopt a motion to require that amendments to a pending bill or resolution be germane, as proposed by this resolution if it should be adopted.

"This proposed amendment to the rules would allow the Senate in its wisdom, when it desires, to consider bills or resolutions without nongermane amendments or so-called riders being in order, and to do it expeditiously without debate by two-thirds vote, unless the committee reporting the bill should see fit to recommend such a committee amendment.

"These proposed changes in the rules would in no way restrict debate or germane amendments if and when such a motion should be adopted. The adoption of a cloture motion just to prohibit nongermane amendments to a measure, which was utilized in one instance in the consideration of a general tax bill, would also restrict futher debate on such proposed legislation."

Opposition to S. Res. 68 developed soon after it reached the Senate calendar. Three Senators—Edward Kennedy, Jacob Javits, R-NY, and Dewey Bartlett, R-OK—placed a "hold" on the Resolution to delay its consideration by the Senate. S. Res. 68 "does violence to individual senator's rights and allows an additional advantage to committees," explained an aide to Senator Javits.[35] The Senators also announced they would fight S. Res. 68 if it should reached the floor. On September 15, 1976, the Resolution was placed under "Subjects on the Table," which consists of business on the Calendar placed there by unanimous consent. No motion was subsequently made to remove S. Res. 68 from the table.

New Rules for the 96th Congress.—On the first day of the 96th Congress (January 15, 1979), Senate Majority Leader Byrd introduced a package (S. Res. 9) of rules changes to eliminate dilatory tactics. Senatorial and journalistic attention largely focused on his recommendations to end post-cloture filibusters. My colleagues, declared Senator Byrd, "this postcloture filibuster is the kind of thing that creates ill feelings and deep divisions in the Senate. . . . It is not in the national interest."[36]

Senator Byrd's series of rules changes included one to permit three-fifths of the Senators present and voting to adopt a non-debatable motion to require germane amendments to a pending bill.[37] "Members of the minority should weigh this proposal very carefully," observed Senator Orrin Hatch, R-Utah. "Minority Members by definition do not control committees nor have more than minimal input on floor scheduling," he said.[38]

Both parties formed *ad hoc* committees to review S. Res. 9, and consider ways of reaching a time limit for debate. In the end, Senator Byrd agreed to drop from S. Res. 9 all but the post-cloture sections in return for Republican consent to a time-limitation agreement. On February 7, 1979, the Senate adopted a unanimous consent agreement on the post-cloture proposals, now embodied in S. Res. 61.

However, Senator Byrd stated his intention to pursue the other rules proposals at a later time and under Senate procedures that would apply after the Senate adjourned following its first legislative day. In effect, this meant two-thirds cloture for extended debate on proposed Senate rule changes. The Senate adopted S. Res. 61 on February 22, 1979. After the vote on S. Res. 61, Senator Byrd secured Senate consent to the following agreement:

"Mr. President, I ask unanimous consent that the remainder of Senate Resolution 9, stripped of the postcloture provisions that have been adopted now, amended, be

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[35] Congressional Quarterly Weekly Report, May 22, 1976. p. 1308

[36] Congressional Record, Daily Digest, v. 125, Jan. 15, 1979. p. S10.

[37] At the start of the 95th Congress (January 4, 1977), Senator Mark Hatfield, R-Ore., introduced S. Res. 7 to establish additional rules for germaneness of amendments. Under the Resolution, if a measure had been pending in the Senate for three hours on each of two or more calendar days, it would be in order to move that no amendment not germane to such bill would be in order. The motion would lie over until the following day, and, if agreed to by two-thirds of the Senators present and voting (a quorum being present), no amendment not germane to the measure under consideration would be in order.

[38] Congressional Record, Daily Edition, v. 125, Jan. 25, 1979. p. S620.

placed on the calendar, and it can be understood that any motion to invoke cloture—well, first of all, a motion to proceed would be debatable because it is a motion to change the rules and it does not come within the morning hour exclusion. So that would be debatable and would require two-thirds to invoke cloture on that motion to proceed and would also require two-thirds to invoke cloture on the measure itself if it were ever called up.

"With that understanding, I ask unanimous consent that the remainder of Senate Resolution 9 go on the General Calendar." [39]

S. Res. 9 is pending on the Senate Calendar.

1980 Byrd-Stevens Proposal.—On June 25, 1980, Majority Leader Byrd and Assistant Minority Leader Ted Stevens, R-Alaska, jointly introduced S. Res. 478, which was referred to the Committee on Rules and Administration. The measure would add a new paragraph 6 to Rule XV (dealing with Senate amendments and motions) and allow the Senate to impose a germaneness requirement for amendments to a pending bill.

Under S. Res. 478, Senators could twice offer a privileged motion during a calendar day to prescribe a germaneness requirement for Senate floor amendments. If the motion is agreed to by three-fifths of the Senators present and voting, then only germane floor amendments (except reported committee amendments and floor amendments previously agreed to) shall be in order thereafter. Appeals from the decisions of the Presiding Officer on the germaneness of amendments could be overturned by two-thirds of the Senators present and voting. The Senate decides appeals today by simple majority vote. The two-thirds requirement would also apply whenever the Presiding Officer submitted the question of germaneness to the Senate. The Byrd-Stevens proposal states:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, to be equally divided and controlled by the Majority Leader and the Minority Leader, or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting."

The apparent catalyst for the introduction of S. Res. 478, according to one newspaper account, was the sharp debate that occurred on June 19, 1980, over Senator Jesse Helms' effort to add a controversial death penalty amendment two the 1981 Justice Department authorization bill (S. 2377).[40] When Senator Helms did not withdraw the amendment, Majority Leader Byrd offered two substitute amendments that Senator Helms strongly opposed. Subsequently, the nongermane amendments were recommited, but the debate left many hard feelings.

Some opponents of Senator Byrd viewed his introduction of the Resolution as an effort to tighten Democratic control of Senate floor proceedings. A staff side to the Majority Leader disputed this contention. Senator Byrd "has introduced the amendment before," the aide pointed out. "He's just doing it again."[41] Given the Minority

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[39] Ibid., p. S1651.

[40] Congressional Record, Daily Edition, June 18, 1980. p. S7324-S7386; and June 19, 1980. p. S7390-S7403, S7508-S7511.

[41] Rollcall, July 3, 1980. p. 8.

Whip's sponsorship and the measure's reference to the Rules Committee, it seems certain that S. Res. 478 will be subject to careful analysis and scrutiny prior to its being reported to the Senate, if and when that should occur.

Appendix E

CLOTURE VOTES [1]

Issue	Date	Vote
Versailles Treaty	Nov. 15, 1919	78–16
Emergency tariff	Feb. 2, 1921	36–35
Tariff bill	July 7, 1922	45–35
World Court	Jan. 25, 1926	68–26
Migratory birds	June 1, 1926	46–33
Branch banking	Feb. 15, 1927	65–18
Disabled officers	Feb. 26, 1927	51–36
Colorado River	Feb. 26, 1927	32–59
D.C. buildings	Feb. 28, 1927	52–31
Prohibition Bureau	Feb. 28, 1927	55–27
Banking Act	Jan. 19, 1933	58–30
Anti-lynching	Jan. 27, 1938	37–51
Anti-lynching	Feb. 16, 1938	42–46
Anti-poll tax	Nov. 23, 1942	37–41
Anti-poll tax	May 15, 1944	36–44
Fair Employment Practices Commission	Feb. 9, 1946	48–36
British loan	May 7, 1946	41–44
Labor disputes	May 25, 1946	3–77
Anti-poll tax	July 31, 1946	39–33
Fair Employment	May 19, 1950	52–32
Fair Employment	July 12, 1950	55–33
Atomic Energy Act	July 26, 1954	44–42
Civil Rights Act	March 10, 1960	42–53
Amend Rule 22	Sept. 19, 1961	37–43
Literacy tests	May 9, 1962	43–53
Literacy tests	May 14, 1962	42–52
Comsat Act	Aug. 14, 1962	63–27
Amend Rule 22	Feb. 7, 1963	54–42
Civil Rights Act	June 10, 1964	71–29
Legislative reapportionment	Sept. 10, 1964	30–63
Voting Rights Act	May 25, 1965	70–30
Right-to-work repeal	Oct. 11, 1965	45–47
Right-to-work repeal	Feb. 8, 1966	51–48
Right-to-work repeal	Feb. 10, 1966	50–49
Civil Rights Act	Sept. 14, 1966	54–42
Civil Rights Act	Sept 19, 1966	52–41
D.C. Home Rule	Oct 10, 1966	41–37
Amend Rule 22	Jan. 24, 1967	53–46
Open Housing	Feb. 20, 1968	55–37
Open Housing	Feb. 26, 1968	56–36
Open Housing	Mar. 1, 1968	59–35
Open Housing	Mar. 4, 1968	65–32
Fortas Nomination	Oct. 1, 1968	45–43
Amend Rule 22	Jan. 16, 1969	51–47
Amend Rule 22	Jan. 28, 1969	50–42
Electoral College	Sept. 17, 1970	54–36
Electoral College	Sept. 29, 1970	53–34
Supersonic transport	Dec. 19, 1970	43–48
Supersonic transport	Dec. 22, 1970	42–44
Amend Rule 22	Feb. 18, 1971	48–37
Amend Rule 22	Feb. 23, 1971	50–36
Amend Rule 22	Mar. 2, 1971	48–36
Amend Rule 22	Mar. 9, 1971	55–39
Military Draft	June 22, 1971	65–27
Lockheed Loan	July 26, 1971	42–47
Lockheed Loan	July 28, 1971	59–39

CLOTURE VOTES [1]—Continued

Issue	Date	Vote
Lockheed Loan	July 30, 1971	53-37
Military Draft	Sept. 21, 1971	61-30
Rehnquist nomination	Dec. 10, 1971	52-42
Equal Job Opportunty	Feb. 1, 1972	48-37
Equal Job Opportunity	Feb. 3, 1972	53-35
Equal Job Opportunity	Feb. 22, 1972	71-23
U.S.-Soviet Arms Pact	Sept. 14, 1972	76-15
Consumer Agency	Sept. 29, 1972	47-29
Consumer Agency	Oct. 3, 1972	55-32
Consumer Agency	Oct. 5, 1972	52-30
School Busing	Oct. 10, 1972	45-37
School Busing	Oct. 11, 1972	49-39
School Busing	Oct. 12, 1972	49-38
Voter Registration	Apr. 30, 1973	56-31
Voter Registration	May 3, 1973	60-34
Voter Registration	May 9, 1973	67-32
Public Campaign Financing	Dec. 2, 1973	47-33
Public Campaign Financing	Dec. 3, 1973	49-39
Rhodesian Chrome Ore	Dec. 11, 1973	59-35
Rhodesian Chrome Ore	Dec. 13, 1973	62-33
Legal Services Program	Dec. 13, 1973	60-36
Legal Services Program	Dec. 14, 1973	56-29
Rhodesian Chrome Ore	Dec. 18, 1973	63-26
Legal Services Program	Jan. 30, 1974	68-29
Genocide Treaty	Feb. 5, 1974	55-36
Genocide Treaty	Feb. 6, 1974	55-38
Government Pay Raise	Mar. 6, 1974	67-31
Public Campaign Financing	Apr. 4, 1974	60-36
Public Campaign Financing	Apr. 9, 1974	64-30
Public Debt Ceiling	June 19, 1974	50-43
Public Debt Ceiling	June 19, 1974	45-48
Public Debt Ceiling	June 26, 1974	48-50
Consumer Agency	July 30, 1974	56-42
Consumer Agency	Aug. 1, 1974	59-39
Consumer Agency	Aug. 20, 1974	59-35
Consumer Agency	Sept. 19, 1974	64-34
Export-Import Bank	Dec. 3, 1974	51-39
Export-Import Bank	Dec. 4, 1974	48-44
Trade Reform	Dec. 13, 1974	71-19
Fiscal 1975 Supplemental Funds	Dec. 4, 1974	56-27
Export-Import Bank	Dec. 14, 1974	49-35
Export-Import Bank	Dec. 16, 1974	54-34
Social Services Programs	Dec. 17, 1974	70-23
Tax Law Changes	Dec. 17, 1974	67-25
Rail Reorganization Act	Feb. 26, 1975	86-8
Amend Rule 22	Mar. 5, 1975	73-21
Amend Rule 22	Mar. 7, 1975	73-21
Tax Reduction	Mar. 20, 1975	59-38
Tax Reductions	Mar. 21, 1975	83-13
Agency for Consumer Advocacy	May 13, 1975	71-27
Senate Staffing	June 11, 1975	77-19
New Hampshire Senate Seat	June 24, 1975	57-39
New Hampshire Senate Seat	June 25, 1975	56-41
New Hampshire Senate Seat	June 26, 1975	54-40
New Hampshire Senate Seat	July 8, 1975	57-38
New Hampshire Senate Seat	July 9, 1975	57-38
New Hampshire Senate Seat	July 10, 1975	54-38
Voting Rights Act	July 22, 1975	72-19
Voting Rights Act	July 23, 1975	76-20
Oil Price Decontrol	July 30, 1975	54-38
Labor-HEW Appropriations	Sept. 23, 1975	46-48
Labor-HEW Appropriations	Sept. 24, 1975	64-33

CLOTURE VOTES [1]—Continued

Issue	Date	Vote
Common-Site Picketing	Nov. 11, 1975	66–30
Common-Site Picketing	Nov. 14, 1975	58–31
Common-Site Picketing	Nov. 18, 1975	62–37
Rail Reorganization	Dec. 4, 1975	61–27
New York City Aid	Dec. 5, 1975	70–27
Rice Production Act	Feb. 3, 1976	70–19
Antitrust Amendments	June 3, 1976	67–22
Antitrust Amendments	Aug. 31, 1976	63–27
Civil Rights Attorneys' Fees	Sept. 23, 1976	63–26
Draft Resisters Pardons	Jan. 24, 1977	53–43
Campaign Financing	July 29, 1977	49–45
Campaign Financing	Aug. 1, 1977	47–46
Campaign Financing	Aug. 2, 1977	52–46
Natural Gas Pricing	Sept. 26, 1977	77–17
Labor Law Revision	June 7, 1978	42–47
Labor Law Revision	June 8, 1978	49–41
Labor Law Revision	June 13, 1978	54–43
Labor Law Revision	June 14, 1978	58–41
Labor Law Revision	June 15, 1978	58–39
Labor Law Revision	June 22, 1978	53–45
Revenue Act of 1978	Oct. 9, 1978	62–28
Energy Taxes	Oct. 14, 1978	71–13
Windfall Profits Tax	Dec. 12, 1979	53–46
Windfall Profits Tax	Dec. 13, 1979	56–40
Windfall Profits Tax	Dec. 14, 1979	56–39
Windfall Profits Tax	Dec. 17, 1979	84–14
Lubbers Nomination	April 21, 1980	46–60
Lubbers Nomination	April 22, 1980	62–34
Rights of Institutionalized	April 28, 1980	44–39
Rights of Institutionalized	April 29, 1980	56–34
Rights of Institutionalized	April 30, 1980	53–35
Rights of Institutionalized	May 1, 1980	60–34
Bottlers' Anitrust Immunity	May 15, 1980	86–6
Draft Registration Funding	June 10, 1980	62–32
Zimmerman Nomination	Aug. 1, 1980	51–35
Zimmerman Nomination	Aug. 4, 1980	45–31
Zimmerman Nomination	Aug. 5, 1980	63–31
Alaska Lands	Aug. 18, 1980	63–25
Vessel Tonnage/Strip Mining	Aug. 2, 1980	61–32
Fair Housing Amendments	Dec. 3, 1980	51–39
Fair Housing Amendments	Dec. 4, 1980	62–32
Fair Housing Amendments	Dec. 9, 1980	54–43
Breyer Nomination	Dec. 9, 1980	68–28
Justice Department Authorization	July 10, 1981	38–48
Justice Department Authorization	July 13, 1981	54–32
Justice Department Authorization	July 29, 1981	59–37
Justice Department Authorization	Sept 10, 1981	57–33
Justice Department Authorization	Sept 16, 1981	61–36
Justice Department Authorization	Dec. 10, 1981	64–35
State,. Justice, Commerce Judiciary Appropriations	Dec. 11, 1981	59–35
Broadcast Senate Proceedings	Apr. 20, 1982	47–51
Criminal Code Reform Act	Apr. 27, 1982	45–46
Urgent Supplemental Appropriations, Fiscal 1982	May 27, 1982	95–2
Voting Rights Act	June 15, 1982	86–8
Debt Limit Increase	Sept. 9, 1982	41–47
Debt Limit Increase	Sept. 13, 1982	45–35
Debt Limit Increase	Sept. 15, 1982	50–44
Debt Limit Increase	Sept. 20, 1982	50–39
Debt Limit Increase	Sept. 21, 1982	53–47
Debt Limit Increase	Sept. 22, 1982	54–46
Debt Limit Increase	Sept. 23, 1982	53–45
Antitrust Equal Enforcement Act	Dec. 2, 1982	38–58

CLOTURE VOTES [1]—Continued

Issue	Date	Vote
Antitrust Equal Enforcement Act	Dec. 2, 1982	44-51
Transportation Assistance Act	Dec. 13, 1982	75-13
Transportation Assistance Act	Dec. 16, 1982	48-50
Transportation Assistance Act	Dec. 16, 1982	5-93
Transportation Assistance Act	Dec. 19, 1982	89-5
Transportation Assistance Act	Dec. 20, 1982	87-8
Transportation Assistance Act	Dec. 23, 1982	81-5
Emergency Jobs Appropriations/Interest Withholding	Mar. 16, 1983	50-48
Emergency Jobs Appropriations/Interest Withholding	Mar. 16, 1983	59-39
International Trade and Investment/Interest Withholding	Apr. 19, 1983	34-53
National Trade and Investment/Interest Withholding	Apr. 19, 1983	39-59
Defense Authorizations, 1984	July 21, 1983	55-41
Radio Broadcasting to Cuba	Aug. 3, 1983	62-33
Natural Gas Policy Act	Nov. 3, 1983	86-7
Death Penalty	Feb. 9, 1984	65-26
Hoover Powerplant Act	July 30, 1984	60-28
Nomination of James H. Wilkie	July 31, 1984	57-39
Budget Act Waiver-Agric. Approp.	Aug. 6, 1984	54-31
Budget Act Waiver-Agric Approp.	Aug. 8, 1984	68-30
Nomination of James H. Wilkie	Aug. 9, 1984	65-32
Banking Deregulation—on motion to proceed	Sept 10, 1984	89-3
Banking Deregulation	Sept. 13, 1984	92-6
TV in the Senate—motion to proceed	Sept 18, 1984	73-26
TV in the Senate	Sept 21, 1984	37-44
Federal-Aid Highway Act—motion to proceed	Sept. 24, 1984	70-12
Continuing Res.—Civil Rights amend	Sept. 29, 1984	92-4

[1] Source: Congressional Quarterly.

Appendix F

Summary of Hearings Held July 31, 1984 and August 2, 1984 by the Temporary Select Committee to Study the Senate Committee System

July 31, 1984

Senator Quayle stressed two points in his opening statement. First, he wanted to explore the question of committee and subcommittee proliferation and assignment limitations. Second, he wanted to consider the question of streamlining the budget-authorization-appropriations process in the interest of reducing the perceived redundancies.

Senator Ford stressed that unless the present system of committee organization and operation is clearly defective and unless a proposed change is quite clearly an effective remedy for the problem, the Committee should not recommend a change to the Rules Committee or to the Senate. He pointed out that if the Senate workload is too great then corrective action must be directed at that problem, not at the organizational system that is used to address the work. Merely renaming the organizations through which the work is accomplished will result in no change.

SENATOR HOWARD BAKER

Senator Baker addressed seven points in his testimony. First, increasingly the important work of the Senate is done in committees rather than on the floor of the Senate.

Second, the Senate has too big a workload because of the proliferation of bills, amendments and issues in the committee system.

Third, the budget process imposes a 3-layer structure that allows issues to surface again and again. There is a need to consolidate these functions or coordinate them more efficiently. One possibility, which Senator Baker said he used to support but no longer does, is that of eliminating the authorizing committees and assigning to a super appropriations committee the separate responsibilities that are now performed by the authorizing and appropriating committees. Another option is to give

the appropriating authority to the individual authorizing committees and possibly authorize and appropriate in the same bill.

Fourth, Congress needs a dependable system for overseeing the intelligence operation such as a Joint Committee on Intelligence, with members appointed by the leadership in both Houses on both sides. There should be a professional staff, not a bipartisan staff. Currently the staff of the Intelligence Committees is huge and the committees are prone to leaks of sensitive information.

Fifth, Congress should hold more hearings away from Washington.

Sixth, Congress should not be in session so long. There should be two sessions each year instead of two per Congress. The first session would be an authorizing session, and the second would be an appropriating session with approximately 60 days in between to hold field hearings mentioned above.

Seventh, the leaders are primarily administrators and do not have sufficient time to discharge their legislative responsibilities. The leaders should not be members of any committees, but rather should be ex officio members of all committees.

In addition, Senator Baker agreed that the numbers of committees should be consolidated and assignment rules should be more rigidly enforced and that two-year authorizations and appropriations would be one way of simplifying the budget process. He also suggested a two-year authorization cycle and an annual appropriations cycle. He also pointed out that the authority of the Appropriations Committee is less clearcut than ten years ago because of authorization-appropriations hybrids such as the entitlement programs which effectively bypass the appropriations process.

Senator Baker noted that Senator Johnston's proposal to make the Budget Committee a subcommittee or a joint committee of both Appropriations and Finance members with the budget resolution approved by both the Appropriations Committee and the Finance Committee was a logical proposal, but added that he would include the Commerce Committee and the Environment and Public Works Committee because of the impact of the budget resolution on those committees. He also suggested getting away from a budget resolution altogether and letting the committee report to the leadership or the Senate as a whole on levels of spending.

FORMER SENATOR HENRY BELLMON

Senator Bellmon made the following points.

The Committee on Indian Affairs should not have been a permanent committee, but should rather have been fused back into the Energy Committee.

Fiscal policy takes up so much of Congress' time because it is such a serious problem, not because of deficiencies in the organizational structure of the Senate.

There are too many claims on Senators' time. The schedule and the workload should be better organized.

The budget cycle should be a biennial cycle. The appropriations process should also be biennial. This would free up one session in every Congress to deal exclusively with authorizations and oversight.

The Senate should be organized so that each member has a position on one authorizing committee and each member sits on either Budget, Appropriations or Finance, which would all be considered fiscal policy committees. Finance would have to be counted as both an authorizing committee and a fiscal policy committee.

There needs to be greater emphasis on oversight in Congress, perhaps by creating an oversight committee with across-the-board authority to examine all Federal programs over a five-year cycle with the assistance of GAO. (See Appendix for details is of Senator Bellmon's proposal.)

It is necessary to have a Budget Committee to recommend to the Senate appropriate fiscal policy and set priorities. Appropriations should recommend specific funding levels within those priorities.

Part of the problem with the budget process is the failure of the executive branch to exerise appropriate leadership in expediting the process.

Under Senator Bellmon's proposal for committee reorganization the A, B, and C designations would be irrelevant. During the appropriations cycle only Appropriations, Budget and Finance would be operative. During the authorization cycle only the authorizing committees would be operative. Each group of committees would have 100 slots so that each senator would serve on one committee of each group.

Senator Wallop expressed his concern that with a biennial budget an incoming president would have very little influence over the budget when he came into office. Senator Bellmon said that there woud be a period of several months in which the incoming president could make changes. He stressed that it was unlikely that a

president would want to redo an entire budget and that the president would have sufficient time to make major changes.

Senator Bellmon pointed out that one advantage of his proposal is that there would be no scheduling conflicts between Appropriations and the authorizing committees because each phase would be dealt with during different parts of the legislative session.

SENATOR DANIEL EVANS

Senator Evans made five points in his testimony. First, there is a need for efficiency and effectiveness in scheduling the Senate work week. The Senate has grown accustomed to a three-day work week. There should be a three-week cycle. The first two weeks would be five-day work weeks and the third week the Senate would not be in session at all so that the members would have an opportunity to spend quality time back in their home communities. This would also allow for the holding of more field hearings, as Senator Baker has suggested.

The committee assignment and operation process is disappointing, frustrating, ineffective and inefficient. There should be a total of 100 seats on the exclusive committees (Armed Services, Foreign Relations, Finance and Appropriations) instead of the current 85 seats so that each senator would have one seat on an exclusive committee. A futher option is to combine the rest of the A committees and the B committees so that they equal 100 slots. Then each member would be limited to 2 committees. In addition, committees should be divided into classes for the purpose of scheduling meetings with each class having certain times to meet. This would reduce the meeting conflicts for members.

Third, there is a need to recreate meaningful debate on the Senate floor. This could be done by scheduling debate on major issues at certain times, such as late afternoon, and by not allowing committees to schedule meetings during that time. Members should also vote from their seats in order when the roll is called and when recognized by the roll call clerk.

Fourth, there is a need for a two-year budget process because it provides stability and tends to control undue spending. One possibility for the two-year process is for the first year to include budget, authorizing and appropriating and the second year to be devoted to oversight.

Fifth, the combination of large committee staffs and the penchant of members to become deeply involved in various subject areas results in senators working on policy on a level of detail that should be executive responsibility. Staff numbers as well as committee numbers need to be pared down.

Senator Quayle suggested that senators be limited to membership in 11 units (a unit being a committee or a subcommittee) as a way of enforcing the limitations on committee membership. Senator Evans said that it would be a good mechanism because it would force each member to make a deliberate choice about his assignments. He would suggest a lower number of units, such as 7 or 8. In addition, proxy voting in committees should be abolished so that senators would have to attend meetings in order to vote.

Senator Johnston agreed with the concept of a three-week work week cycle and that here is a need to trim committee staff.

SENATOR MARK HATFIELD

Although the committee system is often perceived as inefficient, it can be extremely effective in discharging its responsibilities. One should be careful about tampering with complex institutions which operate in a complex environment. Because the Senate is a political institution, it should not necessarily be a smooth and highly-organized mechanism. It serves a diverse constituency.

Congress tolerates inefficiency because there is a consensus to do so. For example, the Senate allows the consideration of legislative riders on appropriations bills despite the prohibiting rule. The process is the way it is because a majority of the Senate wants it to be that way.

The same applies to the committee system. If senators have too many assignments, it is because they have chosen to have them.

Authorizations should be multi-year, leaving annual tinkering to the appropriations process.

Rule 25, paragraph 4 of the Senate Rules, limiting assignments to 2 A committees, should be enforced. This would reduce committee size, staff levels and expenditures as well as speed the handling of legislation and sharpen the focus of senators' attention.

Senator Quayle described his 11 units proposal and suggested that if a member wanted to serve on a 12th unit he could not be counted as part of a quorum. Senator Hatfield stressed the Senate tradition of accommodation, that committee sizes would continue to increase and members would continue to acquire waivers because the Senate had a certain flexibility that allowed it to circumvent the rules.

The lack of order in the Senate follows from the lack of order in most senators' offices.

Senator Quayle asked if it would be possible to deal with the defense authorization and appropriations on the floor at the same time, as one bill. Senator Hatfield responded that it was possible if a majority of the Senate agreed to do so, but pointed out that sometimes the appropriations bills were the only vehicle available to members to force the consideration of controversial issues that the committees avoided.

Senator Johnston asked Senator Hatfield's opinion of making the Budget Committee a joint committee or subcommittee of Apropriations and Finance as suggested by the Pearson-Ribicoff Study Group. Senator Hatfield responded that it should be given serious consideration. Another possibility was for the Budget Committee to be composed of the chairmen of the authorizing committees.

One of the major things lacking in the legislative process today is oversight. The Senate is too busy with day-to-day problems. Multi-year authorizations would help to alleviate this problem, allowing time to project into the future and examine the past.

SENATOR ROGER JEPSEN

There is a need for more efficient scheduling of committee meetings.

There is a need for some kind of enforced germaneness rule.

Speaking for himself and Representative Lee Hamilton, who was scheduled to testify but could not appear, Senator Jepsen stressed that the Joint Economic Committee should not be consolidated into the Committee on Banking, Housing and Urban Affairs as recommended by the Pearson-Ribicoff Study Group. The JEC is an effective formulator of national economic policy.

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Senator Quayle opened the hearing by expressing his agreement with Senator Ford's point about avoiding change for change's sake and stressing that the current committee system has served the Senate well.

Senator Ford stated that a little more thought should be give to the two-year budget process as a means of improving the operation of the Senate.

SENATOR TED STEVENS

Senator Stevens made the following points in his testimony.

The Senate has in recent years evolved into an institution that performs functions similar to those of the House of Representatives rather than emphasizing its unique function as a continuous body. There are three basic problems: the proliferation of committees, the overlapping of processes and the Rules.

First, committee reform in the 1970s, although it eliminated some committees, has resulted in an increase in the number of subcommittees. There are currently 102, many of which should be consolidated within their own committees. Some committees should also be eliminated. This would not only reduce the scheduling conflicts and the numbers of staff, but would help the Senate to perform its proper role in the federal government.

Many times the rule prohibiting committee meetings more than two hours after the Senate is in session is being waived for subcommittees. This rule should only be waived for committees.

Second, the annual authorization process is a new factor. The same issues repeatedly come up in the authorization and appropriations processes and result in time spend in a redundant fashion. There is a need to take laws that are ingrained in our system out of the regular reauthorization process and concentrate on oversight instead. The Senate does not have time for the oversight function because of the proliferation of committees and subcommittees and the time which they consume.

The budget process is another example of redundancy of activity and it should be reviewed. It is possible to raise an issue, the MX for example, 10 times under the normal procedure and an unlimited number of times if a senator wants to pursue an issue that far. This redundancy is one of the reasons for the current lack of public confidence in Congress.

Senator Stevens agrees with Senator Baker that there is a need for more hearings out of Washington. The budget process consumes so much time that field hearings are not often held.

One option for consolidation is to combine the budget and appropriations process and combine the authorization and appropriations process. We would do away with the authorizing committees and they would become subcommittees of Appropriations. We would combine Budget and Appropriations to form a Budget and Audit Committee so that the real appropriations function of the current Appropriations Committee would survive. The standing legislative committees would end up as authorizing and appropriations subcommittees of a major committees. We would do the budget function in advance and then the oversight function. There is a need to review the budget process and determine if it is really necessary to have a budget resolution plus an authorization bill and then an appropriations bill and then a reconciliation bill.

There is a need to return to major debates on major issues on the floor. One way of ensuring meaningful debate is to open the Senate to television coverage. There should also be electronic mail so that senators could be kept informed while away from Washington.

Authorizations have, in general, become too detailed. For example, with the Department of Defense we literally authorize the number of trucks for the agency.

There is a need to modify the Rules of the Senate, especially in regard to cloture. Possibly, there is a need to find a way to deny access to the floor to any issue that has already once been resolved in that session.

In response to Senator Quayle's question about limiting subcommittees, Senator Stevens stated that the legislative committees should be limited to 2 subcommittees, with the exception of Appropriations. Under Senator Stevens' plan, the legislative committees would have the appropriations authority and the Appropriations Committee would become Budget and Audit, a pre-appropriations and post-appropriations process.

Senator Quayle described his 11 units proposal. Senator Stevens agreed that it might work if the younger members of the Senate banded together to support change in the Rules. The Senate as a whole should spend two hours a day in committee or subcommittee for at least three days a week.

Senator Ford mentioned the two-year budget. Senator Stevens pointed out that it would have to be imposed on the Executive branch also. He is opposed to the 2nd budget resolution.

Senator Kasten added that the redundancy of processes also applied to the Executive branch and the Administration witnesses who must testify repeatedly on the same issue. Senator Stevens suggested having joint House and Senate hearings to hear the testimony of Cabinet officers.

Senator Dixon stated that proxy votes were misused and that much time time was wasted in the committee system by senators asking questions just because they felt they must in order to appear interested and knowledgeable. The committee system also takes away from the time spent on the floor. Unwritten amendments should not be allowed and the germaneness rule should be enforced. Senator Stevens reiterated that televising major debates would help increase floor attendance. There is also a need for fewer late night sessions so that senators with young children can spend time with them.

The shortest speeches occur when there are more senators on the floor. Time usage can be controlled through peer pressure.

SENATOR LAWTON CHILES

The proliferation of committee assignments results in fewer slots on good committees for younger senators.

Senator Chiles does not agree with Senator Johnston's proposal to have Budget made up of members of Finance and Appropriations. This will work against what the Budget Committee tries to do. The Budget Act does provide a timetable for action and prohibits certain types of bills being considered prior to the adoption of the first budget resolution. The recent extreme delays encountered in getting a budget resolution in place are due to political difficulties and particularly the difficulty of the majority in getting 51 votes for its package. When the Budget Act was first enacted the budget resolution was a product of a more centrist approach, not of just one party. There is a need to streamline the budget process, but not eliminate it altogether. The second budget resolution should be done away with and the first one should be considered binding because it is the key to setting tax and spending levels.

We should start the first resolution by April 15 to allow more time for authorization bills.

The procedures for reconciliation on the budget resolution should be codified. Non-budgetary items should be prohibited so as to reduce the tendency for authorizing legislation to be included as budget content.

Appropriating and authorizing committees have been encroaching on each other's proper roles. Appropriations should do the funding and authorizations should design the legislation. There is some pressure on Appropriations to legislate when the authorizing committee has refused to act on a bill. Authorizing committees are spending more time on funding issues than on program design and oversight because of the greater interest in budgetary decisions. Authorizing committees also appear to be designing entitlements with trigger levels which is an appropriations-forcing mechanism. This leaves Appropriations with no real discretion.

Senator Quayle asked whether it would be helpful to ask the Rules Committee, the Governmental Affairs Committee or the Budget Committee to examine the Budget Act and make recommendations on how to make the budget process more efficient. Senator Chiles responded that this would only work if a group made up of members of the 3 committees assessed the Budget Act. He agreed that the fact that the Budget Act came under the jurisdiction of 3 committees was an impediment to changing it.

Senator Ford suggested a two-year budget. Senator Chiles agreed that it had some merit but expressed his concern that if the economic situation changed quickly the Budget Committee would not be free to respond if it was locked into a two-year process. He pointed out that state governments are concerned with responding to economic changes, but the federal government tries to affect the change, which would be difficult with a two-year budget. Senator Ford pointed out that there could be a supplemental to take care of such sudden shifts. The two-year budget would allow much more time for oversight activities.

Senator Chiles suggested the use of a computerized schedule to minimize meeting conflicts. In addition, the proxy rule should be done away with in order to force senators to be present to conduct business. Questioning should be done on the basis of first come-first served, not on the basis of seniority. This would encourage those who are really interested to ask questions.

SENATOR JOHN TOWER

Committees waste time bickering about jurisdiction, they duplicate each other's work and senators have workloads which are impossible to faithfully execute.

There is an unnecessary duplication of activities between the Armed Services Committee and the Defense Appropriations Subcommittee. Before the Budget Act was enacted, there was a need for the Appropriations Committee to pick and choose among all authorizations. The Appropriations Committee acted as the fiscal discipline of the Congress until 1974. Now the fiscal discipline is imposed at the beginning of the process with the budget resolution. Therefore there is no reason to have both an authorization and an appropriations process. The Senate cannot afford to consider major pieces of legislation twice every year. Duplicative hearings are a waste of the Executive Branch's time. The committee of expertise should be the one to propose to the Senate the course of action on a program and the committees of expertise have always been the authorizing committees.

Overlap of committee jurisdictions and fragmentation of certain areas of public policy is another problem. For example, Aging, Veterans' Affairs and Indian Affairs all logically fit within the jurisdiction of Labor and Human Resources. A more striking example is the area of national security. Responsibility for this area is dispersed among the following committees: Armed Services, Appropriations, Budget, Foreign Relations, Small Business, Veterans' Affairs, Governmental Affairs, Banking, Commerce and Select on Intelligence.

There is also a lack of attention in the Senate to broad policy issues and non-programmatic legislation. Instead the Senate spends all its time working on the budget.

First, the authorizing committees should be given appropriations responsibility. The Budget Committee should be disbanded and the Appropriations Committee should assume the responsibilities of the Budget Committee as well as responsibility for those appropriated items for which there is no authorization and for continuing resolutions and supplemental appropriations.

If the Budget Committee is retained, it should be made up of authorizing committee chairmen and ranking minority members.

Second, jurisdictions of committees should be rationalized and consolidated.

Third, a possible solution to the need for more attention to broad policy is a two-year authorization and appropriation. This would leave time for oversight in alternate years.

An alternative proposal would be for all members of the Senate to become members of the Appropriations Committee with approximately 10 subcommittees, reflecting various budget functions. Each senator would serve on one or two subcommittees, depending on the desired size of the subcommittees. These subcommittees would have both authorizing and appropriating authority. There would be no full committee markups, only floor action.

There would be a subcommittee on the Budget within the Appropriations Committee which would have as its members the chairman and ranking minority members of each Appropriations subcommittee as well as the chairman and minority members of the Finance Committee.

In addition to the Appropriations Committee, there would be a Foreign Relations Committee, a Finance Committee, a Committee on Management of the Government, a Committee on General Laws (similar to the current Judiciary Committee), a Committee on Regulated Industries and a Committee on Rules and Ethics. Each senator would serve on one of these committees in addition to the Appropriations Committee.

This plan would achieve consolidation of the authorization and appropriations process. It would consolidate and rationalize jurisdictions of committees. It would reduce the numbers of committees and assignments and ease the problem of scheduling conflicts.

In addition there should be a rule to require that a senator provide the Senate with 48 hours advance notice before a nongermane amendment is offered to a bill on the floor.

Senator Quayle asked if it would be feasible to deal with the defense authorization and appropriations at the same time on the floor with a requirement that amendments be mathematically consistent. Senator Tower stated that his proposal would accomplish essentially the same thing and that the current delays were caused by the need to wait for the budget process to complete its work.

SENATOR PETE DOMENICI

The three fiscal processes, authorization, appropriations and budget, have been misused. The authorization process was designed to set policy parameters, but the Senate has frequently argued so long over authorizations that funding has preceded substantive debate. In other cases the authorizing process has been used to lock in funding levels, thus totally thwarting the appropriations process.

The appropriations process was designed to divide up available resources in a given fiscal year among competing federal programs. Appropriations has frequently been used to debate substantive policy issues, causing atrophy of the authorization process.

The budget process was designed to provide a framework, a broad fiscal policy. The timetable it established has helped Congress to report authorizing legislation on a timely basis and to pass far more of its regular appropriations bills by the beginning of the fiscal year than had previously been the case. During the 8 years prior to the Budget Act, Congress passed an average of only 1 regular appropriations bill by the start of the fiscal year. During the first 8 years following the Budget Act, Congress has passed an average of 5 regular appropriations bills by the start of the fiscal year.

However, there are still late authorizations and late appropriations and the Senate wastes its time debating the same issues repeatedly.

The solution is to return to the original purposes of each of these functions, not to consolidate one or more of them. The budget process has resulted in more meaningful debate on the floor.

Senator Domenici is opposed to Senator Johnston's proposal to make the Budget Committee a subcommittee of Finance and Appropriations.

Duplicate votes on the floor occur because a majority of the Senate wishes them to occur. No process or rule will prevent a majority to the Senate from carrying out its will.

The inability of authorizations to be done on time is not the fault of any process. It simply means that consensus has been harder to achieve. The same is true for appropriations. Efficiency has been deliberately sacrificed in order to avoid serious legislative errors.

In order to correct the current difficulties, we should insist that the first budget resolution be completed on time and that it stick to broad parameters only. This

might be encouraged by specifying in more detail the types of amendments that would be in order, by shortening the length of floor debate and by shortening the time for floor debate on amendments to assure that extraneous matters do not enter the debate. The Budget Act provisions that are designed to assure timely completion of conferences on budget resolutions should enforced.

A binding first budget resolution is a useful suggestion.

Authorizations should be completed on time and before floor action on related appropriations bills begins. There should be rules that assure that funding levels are not locked in through the authorization process prior to the appropriations debate, particularly when entitlements are involved.

Appropriations debates should be carried on without the intrusion of substantive legislative amendments and should be completed on time. One possibility is to move to an omnibus appropriations bill and examine the desirability of aligning the Appropriations subcommittee jurisdictions to coincide with functional categories.

One option is to merge the House and Senate Budget Committees into a Joint Committee on the Budget, similar to the old Joint Atomic Energy Committee. This would speed up the budget process. This committee could also ensure that reconciliation instructions included in a budget resolution are followed and that the Senate is kept informed of the creation of new or expanded entitlements. The Joint Committee on the Budget could also integrate the formulation of a federal credit budget into the Congressional budget process and annually review all off-budget expenditures and tax expenditures. In addition. the Committee could consider the advisability of adopting biennial budgeting.

It is possible that the creation of a Joint Committee on the Budget may make the existance of the Joint Economic Committee unnecessary.

There is a need to have some kind of schedule on the floor and for the practice of holds to be modified.

Another possibility is to break up the budget process into four pieces: defense, foreign assistance, appropriated accounts and entitlements.

Senator Quayle pointed out that the process oftern gets bogged down when dealing with annual authorization and annual appropriations, not when dealing with permanent legislation. Senator Domenici agreed and suggested that maybe there was a need for a 5-year defense authorization. Senator Quayle suggeseted trying a two-year authorization as an experiment and appropriating on an annual basis.

Sentor Quayle suggested consolidating jurisdiction over the Budget Act as a first step toward modifying it. Senator Domenic suggested that instead a special one-year committee be created composed of members of Rules, Governmental Affairs and the Budget Committee in order to avoid committee jurisdiction battles.

Senator Melcher expressed his interest in a Joint Committee on the Budget and in having only one, binding budget resolution.

SENATOR JOHN STENNIS

The concept of the Budget Committee should be retained.

There is a need for more serious and meaningful debate and freer discussion among committee members rather than the use of proxy votes.

Sentor Quayle asked what the biggest change in the Senate had been over the years. Senator Stennis responded that the senators go home too often, but yet do not spend enough time at home.

Senator Stennis added that there is a need for a high quality team of inspectors and investigators attached to the Appropriations Committees of each house to carry out oversight.

SENATOR SAM NUNN

The annual budget process is the current problem. It has taken over the time and workload of the Senate and of the committees and of the Executive branch. Even with the expenditure of all this effort, passage of a budget each year comes later and later. There are several reasons for this development.

First, there is duplicative committee review. Detailed review of the President's budget is annually performed in each House at least three times by three different sets of committees: Budget, Appropriations and the authorizing committees. The Senate also wastes time on the floor repeatedly debating the same issues.

Second, there is excessive attention to detail in authorizations.

Third, the accounting structures used by each participant in the budget process are not compatible or consistent. This is complicated by diffused division of committee jurisdiction.

In summary, Senator Nunn made the following points:

First, there is not enough time for Congress to complete the budget, authorization and appropriations process.

Second, there is insufficient time for oversight of programs and policies because the budget process has become so unwieldy.

Third, more and more of the federal budget has to be authorized annually, causing overloads in the authorizing committees.

Fourth, missed deadlines anywhere in the budget process have a domino effect on the remainder of the budget process.

Fifth, making the second resolution binding delays the process.

Sixth, appropriations bills are becoming more contentious and harder to pass.

Seventh, there are too many legislative and non-germane proposals on appropriations bills.

Eight, schedules are too hurried.

Ninth, there is too much duplicative effort among all the committees.

There are too many committees and subcommittees in Congress and assignment limitations are not enforced.

Senator Nunn proposed the following solutions:

First, there is a need for a shift to some form of multi-year budgeting.

Second, the accounting framework should be rationalized by deciding on uniform and rational accounting/function categories.

Third, three different committees in each House should not be doing essentially the same thing. There is a need for some consolidation. For example, there could be a combined Budget/Appropriations Committee with strengthened macro authority and the authority to enforce its decisions after they have been endorsed by the Senate. This Committee would also have the authority to de-appropriate. This would allow the authorizing committees to also appropriate under the firm guidance and enforcement of this committee's guidelines.

Fourth, Congressional self-restraint must be exercised when reviewing budget proposals. The appropriate level of detail must be determined.

In addition, Senator Nunn suggested that senators work 5 days a week for the first 3 or 4 months of the year instead of the current tendency toward a 3-day work week.

Senator Quayle suggested dealing with the defense authorization and appropriations at the same time on the floor. Senator Nunn agreed that it would save some time on the floor, but would not have an effect on witnesses from the executive branch. He stressed that committees, for all their delving into detail, are not doing the work of oversight and are not looking at broad strategy at all. He also expressed his support for a Joint Committee on Intelligence.

In addition, Senator Nunn pointed out that the federal government is doing more and more in various areas and is not capable of handling all of these items with the same degree of attention as the States.

Another alternative to resolving problems with the budget process would be for Congress to establish an explicit procedure to authorize milestone decisions in the weapons acquisition process, which parallel the current system of the Defense System Acquisition Review Council milestones used by the Department of Defense. In other words, instead of having a time limit on a weapons system, the research stage could be authorized, then the development stage, then the engineering production stage and then the final production.

There is enough for two committees to do in the military area. It is pointless for them both to be doing the same things and omitting the same things.

SENATOR EDWARD ZORINSKY

The Veterans' Affairs Committee should not be eliminated. This Committee has rendered and continues to render invaluable services to the former members of the military. It can continue to do so efficiently as a separate committee.

SENATOR NANCY KASSEBAUM

There is a need for the authorizing and appropriating committees to adhere more closely to their functions. Possibly, as a means of making the process more efficient, the two committees could have a conference and take to the floor one bill.

The Budget Committee provides a valuable framework for fiscal policy-making.

There is a need to combine hearings so that witnesses from the Executive branch would not have to testify repeatedly on the same subject and senators would not have to listen repeatedly to the same testimony.

SENATOR MACK MATTINGLY

Congress has become a full-time legislative bureaucracy that allows little time for formulation and drafting of ideas. The cause of this is the committee system. The proliferation of committees has resulted in proliferation of staff. Senators are spread too thin among their committees to be informed on all relevant issues. The result is a staff that is discharging the responsibilities that senators are elected to perform.

Senator Mattingly suggested the following solutions:

First, go to a two-year budget cycle.

Second, return to a two-track authorization/appropriations process. The third track, the budget process, has been a wasteful and redundant failure. The budget figures should be folded into the appropriations and finance process.

Third, reduce the number of subcommittees and their staffs.

Fourth, eliminate the special, select and joint committees and incorporate their responsibilities into the proper authorizing committees.

Fifth, eliminate the use of proxies in committee and record all committee votes for the published record.

Sixth, restrict the number of committee staff allowed on the Senate floor.

In addition, Senator Mattingly mentioned that Military Appropriations had held joint hearings with Armed Services and it worked very well.

REPRESENTATIVE HENRY HYDE

This statement was included in the record. Rep. Hyde did not testify in person.

There is a need for a Joint Committee on Intelligence in order for Congress to excercise responsible oversight of intelligence activities. Congressional oversight must be nonpolitical and bipartisan in order to earn public credibility. Leaks of sensitive information must be prevented.

The two current committees reflect different perspectives and frequently do not focus on the same matters. Apparently there is little interaction or coordination on the issues.

A Joint Intelligence Committee would not only eliminate the above problems, it would encourage bipartisan cooperation and ensure a more effective Congressional oversight operation.

SENATOR ALAN CRANSTON

Senator Cranston submitted for the record a statement stressing the need to retain the Veterans' Affairs Committee as a separate committee. The Veterans' Affairs Committee is performing valuable services in an efficient and effective manner.

SENATOR PAUL SARBANES

Senator Sarbanes submitted for the record a statement stressing the need to retain the Veterans' Affairs Committee as a separate committee. The continuation of the Veterans' Affairs Committee demonstrates the commitment of the Senate to the nation's veterans. The Veterans' Affairs Committee has enabled the Senate to address the specialized needs and concerns of veterans.

Stephen L. Edmiston of Disabled American Veterans, Paul S. Egan of The American Legion and Donald H. Schwab of the Veterans of Foreign Wars all submitted statements for the record stressing the need to retain the Veterans' Affairs Committee as a separate standing committee and describing the scope and quality of its services to American veterans.

In addition, Patrick J. Clements of the Small Tribes Organization of Western Washington submitted for the record STOWW's support for the continuation of the Select Committee on Indian Affairs as a permanent standing committee.

Appendix to Hearing Summary

Possible Schedule for a Biennial Budget and Appropriations Cycle

SENATOR HENRY BELLMON

Budget Session—Odd Numbered Years

—Congress convenes in January, odd numbered years, and turns immediately to consideration of two-year budget and two-year appropriations bills. This session must conclude by October 1.

—Recess October 1-October 15.

Authorization/Oversight Session Begins October, Odd Numbered Years—Completed March 15, Even Numbered Years

—Authorization/Oversight session begins October 15, odd numbered years, recesses November 15, odd numbered years through January 15, even numbered years, and completes its task by March 15, even numbered years.
—Recess March 15–March 31.

Supplemental Session—April, Even Numbered Years

—There would be a brief session for the consideration of supplemental appropriations (including appropriations for new authorizations as well as emergency items), and other necessary fiscal policy bills (miscellaneous tariff bills and other revenue legislation, etc.).

End of April, Even Numbered Years—Congress Adjourns Sine Die

—This schedule allows little room for Congressional recesses during either the budget session or the authorization/oversight session.
—It would, however, allow Congress to complete its work in sixteen months.

Appendix G

Senate Resolution 400, 94th Congress

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Sec. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based on the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

Sec. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpenas.

Sec. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the

Senate (including the jurisdiction of the Select Committee on Standards and Conduct [1] and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such in formation after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate,[2] the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

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[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95-1, Feb. 4, 1977.

[2] Changed from "section 133(f) of the Legislative Reorganization Act of 1946" as a result of the adoption of S. Res. 274, 96-1, Nov. 14, 1979; further changed from "paragraph 5 of rule XXVII" as a result of the adoption of S. Res. 389, 96-2, Mar. 25, 1980.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported in the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate [3] (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department of agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct [4] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct [4] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct [4] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided,* That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

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[3] See footnote on p. 138.

[4] Name changed to the Select Committee on Ethics by S. RFEs. 4, 95-1, Feb. 4, 1977.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the department or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year.

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide from disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees on each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safe-guarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its direction, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-Fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United association; (4) the
collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution

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SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

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